

# EXHIBIT 5

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 KRISTINA MIKHAYLOVA, : CASE NO. 19-8927  
4 : PLAINTIFF :  
5 : PLAINTIFF DEMANDS :  
6 VS. : A TRIAL BY JURY :  
7 :  
8 BLOOMINGDALE'S, INC., BLOOMINGDALE'S, :  
9 INC. D/B/A BLOOMINGDALE'S AND FORTY :  
10 CARROTS, BLOOMINGDALE'S, LLC, :  
11 BLOOMINGDALE'S, LLC D/B/A :  
12 BLOOMINGDALE'S NEW YORK, MACY'S, :  
13 INC., MACY'S, INC. D/B/A MACY'S OF :  
14 NEW YORK, UNITED STOREWORKERS RETAIL, :  
15 WHOLESALE AND DEPARTMENT STORE UNION :  
16 AFL-CIO LOCAL 3 A/K/A LOCAL 3 UNITED :  
17 STOREWORKERS RWDSU/UFCW, DENNIS DIAZ, :  
18 INDIVIDUALLY, CHRISTOPHER CASTELLANI, :  
19 INDIVIDUALLY, RICHARD LAW, :  
20 INDIVIDUALLY, AND BOBBY BOOKER, :  
21 INDIVIDUALLY, :  
22 DEFENDANTS :

23 REMOTE  
24 DEPOSITION OF: CHRISTOPHER CASTELLANI

25 TAKEN BY : PLAINTIFF

BEFORE : BETHANN M. ROGERS, NOTARY PUBLIC  
REGISTERED PROFESSIONAL REPORTER

DATE : NOVEMBER 15, 2022, 11:07 A.M.

## 1 APPEARANCES:

2 DEREK SMITH LAW GROUP  
3 BY: MELISSA MENDOZA, ESQUIRE  
4 ONE PENN PLAZA  
5 SUITE 4905  
6 NEW YORK, NEW YORK 10119  
7 (212)587-0760  
8 melissa@dereksmithlaw.com

9 REPRESENTING THE PLAINTIFF

10 MACY'S  
11 BY: BETTY TIERNEY, ESQUIRE  
12 DAVID TYNDALL, PARALEGAL  
13 151 WEST 34TH STREET  
14 NEW YORK, NEW YORK 10001  
15 (212)494-1621  
16 betty.tierney@macys.com

17 REPRESENTING THE DEFENDANTS

18 BARTON GILMAN LLP  
19 BY: STEVEN GERBER, ESQUIRE  
20 165 PASSAIC AVENUE, SUITE 107  
21 FAIRFIELD, NEW JERSEY 07004  
22 (973)256-9000  
23 sgerber@bglaw.com

24 CO-COUNSEL FOR DEFENDANTS

25 ALSO PRESENT: MATT MESSNER, EVEREST TECHNICIAN

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CHRISTOPHER CASTELLANI

EXAMINATION

By Ms. Mendoza

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<p style="text-align: right;">Page 4</p> <p>1 CHRISTOPHER CASTELLANI, called as a</p> <p>2 witness, having been duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MS. MENDOZA:</p> <p>5 Q. Good morning, Mr. Castellani. My name is</p> <p>6 Melissa Mendoza, and I am the attorney for Kristina</p> <p>7 Mikhaylova who is the plaintiff in this case against</p> <p>8 Bloomingdale's. Do you know who Kristina is?</p> <p>9 A. Yes.</p> <p>10 Q. And how do you know her?</p> <p>11 A. She worked at the Bloomingdale's at</p> <p>12 59th Street while I was there.</p> <p>13 Q. Okay. And for purposes of today's deposition</p> <p>14 unless stated otherwise I will be asking you questions</p> <p>15 referring to the time period of Kristina's employment</p> <p>16 which was around April 2016 until June 20th, 2017.</p> <p>17 Understood?</p> <p>18 A. Yes.</p> <p>19 Q. And, Mr. Castellani, are you on your</p> <p>20 telephone?</p> <p>21 A. I am.</p> <p>22 Q. I would ask that you please not be on your</p> <p>23 telephone during today's deposition, okay?</p> <p>24 A. I'm using my phone for the deposition.</p> <p>25 Q. I understand. But if there's any -- I</p>	<p style="text-align: right;">Page 6</p> <p>1 until I'm done asking my question and respond, and I</p> <p>2 will try to do the same so that we're not speaking over</p> <p>3 one another, okay?</p> <p>4 A. Great.</p> <p>5 Q. And if you do not understand any of my</p> <p>6 questions, I'm more than happy to rephrase it as many</p> <p>7 times as you like, but unless you tell me that you do</p> <p>8 not understand, I will assume that you did understand my</p> <p>9 question, okay?</p> <p>10 A. Yes.</p> <p>11 Q. All right. And are you aware of any reason</p> <p>12 that might impair you or prevent you from fully and</p> <p>13 truthfully answering my questions today?</p> <p>14 A. No.</p> <p>15 Q. And do you suffer from any condition, mental</p> <p>16 or physical, that might impair your ability to answer my</p> <p>17 questions?</p> <p>18 A. No.</p> <p>19 Q. Have you taken any prescription medication or</p> <p>20 otherwise in the last 24 hours?</p> <p>21 A. No.</p> <p>22 Q. Were you supposed to take any prescription</p> <p>23 medication or otherwise in the last 24 hours that you</p> <p>24 did not take?</p> <p>25 A. Nope.</p>
<p style="text-align: right;">Page 5</p> <p>1 understand that part, but just -- I'm just asking that</p> <p>2 you not look at your phone for -- if there's any</p> <p>3 messages or anything. And if you need to take a break</p> <p>4 at any time, I'm happy to let you take a break. I just</p> <p>5 ask that you answer the last question that was asked,</p> <p>6 okay?</p> <p>7 A. I will not use my phone other than for the</p> <p>8 deposition.</p> <p>9 Q. Good. Great. Thank you. So just to quickly</p> <p>10 go over some ground rules, I will be asking you</p> <p>11 questions today, and you must answer them truthfully</p> <p>12 unless your attorney tells you clearly not to answer.</p> <p>13 Although a judge is not present here today, this is a</p> <p>14 formal legal proceeding just like testifying in court,</p> <p>15 and you are under the same legal obligations to tell the</p> <p>16 truth. Do you understand?</p> <p>17 A. I do.</p> <p>18 Q. All right. And the court reporter is taking</p> <p>19 down everything that we say, so it is important that you</p> <p>20 answer with audible responses and not -- you answer</p> <p>21 audibly and not with shaking of the head or nodding,</p> <p>22 okay?</p> <p>23 A. No problem.</p> <p>24 Q. Great. And to make it easier for the court</p> <p>25 reporter to take down what we say, I ask that you wait</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. Okay. And are you represented by counsel</p> <p>2 today?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And who is that?</p> <p>5 A. Betty Tierney.</p> <p>6 Q. And how were you informed of today's</p> <p>7 deposition?</p> <p>8 A. Via e-mail. We've had a couple attempts at</p> <p>9 it.</p> <p>10 Q. Yes, we have. And how long ago were you --</p> <p>11 withdrawn. So tell me how you prepared for today's</p> <p>12 deposition not informing me of conversations between</p> <p>13 your counsel, though.</p> <p>14 A. I reviewed some of the documentation from I</p> <p>15 guess it was about five years ago.</p> <p>16 Q. Okay. And what documents were those?</p> <p>17 A. The case file, the witness statement,</p> <p>18 Kristina Mikhaylova's written statement.</p> <p>19 Q. And did you have any conversations with any</p> <p>20 former coworkers --</p> <p>21 A. No.</p> <p>22 Q. -- regarding today's deposition?</p> <p>23 A. No.</p> <p>24 Q. No. And was anyone present during your</p> <p>25 conversation -- withdrawn. Did you have any</p>

<p>Page 8</p> <p>1 conversations with your attorney?</p> <p>2 A. I'm sorry?</p> <p>3 Q. Did you have any conversations with your</p> <p>4 attorney?</p> <p>5 A. Yes.</p> <p>6 MS. TIERNEY: Chris, I'll just admonish</p> <p>7 you not to talk about anything we did say. The fact</p> <p>8 that we did speak is certainly discoverable, so.</p> <p>9 BY MS. MENDOZA:</p> <p>10 Q. Was anyone else present during your</p> <p>11 conversations with your attorney?</p> <p>12 A. David and Steven at different points.</p> <p>13 Q. But all part of your counsel, your</p> <p>14 representation, right, your attorney?</p> <p>15 A. Yes.</p> <p>16 Q. And have you ever been to a deposition</p> <p>17 before?</p> <p>18 A. Yes.</p> <p>19 Q. And when was that?</p> <p>20 MS. TIERNEY: Object to the form. You</p> <p>21 can answer.</p> <p>22 THE WITNESS: I don't remember the</p> <p>23 specific dates. It was a few years prior to this</p> <p>24 situation.</p> <p>25 BY MS. MENDOZA:</p>	<p>Page 10</p> <p>1 A. I don't recall specifically what the outcome</p> <p>2 was. I just gave my deposition. I don't recall being</p> <p>3 informed what the outcome was.</p> <p>4 Q. Okay. Besides that deposition did you --</p> <p>5 have you ever had your deposition taken before?</p> <p>6 A. I do not believe so. I've testified in other</p> <p>7 courts but not a deposition.</p> <p>8 Q. Okay. And where have you testified?</p> <p>9 A. In a grand jury to indict external fraud</p> <p>10 issues. I've testified a couple times in the grand</p> <p>11 jury.</p> <p>12 Q. Have you given any sworn statements?</p> <p>13 A. I'm sorry, I couldn't --</p> <p>14 MS. TIERNEY: Go ahead, Chris, I'm sorry.</p> <p>15 BY MS. MENDOZA:</p> <p>16 Q. Have you given any sworn statements?</p> <p>17 MS. TIERNEY: And I'm going to object to</p> <p>18 the form. Subject to that, you can answer, Chris.</p> <p>19 THE WITNESS: Sworn statements in other</p> <p>20 situations?</p> <p>21 BY MS. MENDOZA:</p> <p>22 Q. Yes.</p> <p>23 A. Yes.</p> <p>24 Q. And in what situations?</p> <p>25 A. I've been involved in the prosecution of</p>
<p>Page 9</p> <p>1 Q. And when you say this situation, are you</p> <p>2 talking about Kristina's lawsuit or her employment?</p> <p>3 A. Both I guess. I don't recall if I was</p> <p>4 deposed while she was working, but it was within my time</p> <p>5 at Bloomingdale's.</p> <p>6 Q. Okay. So your deposition was taken. Is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And are you stating that your deposition was</p> <p>10 taken in this case?</p> <p>11 A. No, another case during my employment at</p> <p>12 Bloomingdale's.</p> <p>13 Q. And do you know what that case was about?</p> <p>14 A. It was another internal issue. I don't</p> <p>15 recall specifics about it, another employee internal</p> <p>16 issue.</p> <p>17 Q. Were you a defendant?</p> <p>18 A. I was representing Bloomingdale's, so, yes, I</p> <p>19 guess so.</p> <p>20 Q. And where -- do you recall if -- what court</p> <p>21 the case was filed in?</p> <p>22 A. I don't remember specifically, no.</p> <p>23 Q. Do you know the case name?</p> <p>24 A. I believe the employee's last name was Yang.</p> <p>25 Q. And what was the outcome of that case?</p>	<p>Page 11</p> <p>1 numerous internal cases where I've had to give a</p> <p>2 statement as well as external criminal activity that I</p> <p>3 played a part in investigating.</p> <p>4 Q. Have you ever been a plaintiff in a lawsuit?</p> <p>5 MS. TIERNEY: I'm going to object to the</p> <p>6 form. You can answer.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MS. MENDOZA:</p> <p>9 Q. Have you ever been a defendant in a lawsuit?</p> <p>10 A. I don't recall if I was directly named in the</p> <p>11 Yang, when I gave the deposition for Yang, so I would</p> <p>12 say no, but I don't recall.</p> <p>13 Q. Okay. And have you ever been convicted or</p> <p>14 pled guilty to any crime other than a minor traffic</p> <p>15 violation?</p> <p>16 A. No.</p> <p>17 Q. Have you ever been known by any other name</p> <p>18 besides Christopher?</p> <p>19 A. No.</p> <p>20 Q. And have you always had the same last name?</p> <p>21 A. Yes.</p> <p>22 Q. Are you married?</p> <p>23 A. Divorced.</p> <p>24 Q. Do you have children?</p> <p>25 A. Yes.</p>

<p>Page 12</p> <p>1 Q. How many?</p> <p>2 A. Two.</p> <p>3 Q. Did you attend high school?</p> <p>4 A. I'm sorry, did I attend high school?</p> <p>5 Q. Yes.</p> <p>6 A. Yes, I did.</p> <p>7 Q. And where did you attend high school?</p> <p>8 A. Monroe-Woodbury High School in Orange County,</p> <p>9 New York.</p> <p>10 Q. And did you graduate?</p> <p>11 A. I did.</p> <p>12 Q. And what year was that?</p> <p>13 A. 1986.</p> <p>14 Q. Did you attend college?</p> <p>15 A. I did.</p> <p>16 Q. And where did you go to college?</p> <p>17 A. Fashion Institute of Technology in New York.</p> <p>18 Q. Did you graduate?</p> <p>19 A. I qualified for an associate's, but I</p> <p>20 continued for another year, so I did not complete the</p> <p>21 bachelor's.</p> <p>22 Q. But you have your associate's degree. Is</p> <p>23 that correct?</p> <p>24 A. Yes.</p> <p>25 Q. And what year was that?</p>	<p>Page 14</p> <p>1 A. I had differing opinions with the store</p> <p>2 director.</p> <p>3 Q. And who is the store director?</p> <p>4 A. I believe her name was Sarah Shaw.</p> <p>5 Q. Were you terminated?</p> <p>6 A. Yes.</p> <p>7 Q. And why were you terminated?</p> <p>8 MS. TIERNEY: I'm going to object to the</p> <p>9 form. You may answer.</p> <p>10 THE WITNESS: I believe on the -- their</p> <p>11 information they would say substandard job performance.</p> <p>12 BY MS. MENDOZA:</p> <p>13 Q. And when you say they, are you distinguishing</p> <p>14 from your opinion?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So what is your opinion?</p> <p>17 A. My opinion is there were a lot of changes</p> <p>18 going on. Sarah and I did not agree on the way to run</p> <p>19 the department, and because they realigned and made her</p> <p>20 in charge -- or store directors in charge of the asset</p> <p>21 protection department that she didn't want me there.</p> <p>22 Q. And when were you terminated?</p> <p>23 A. I don't remember the exact date. I believe</p> <p>24 it was in October of 2019.</p> <p>25 Q. And how long were you working at the Soho</p>
<p>Page 13</p> <p>1 A. '89 was the associate's, and then I left for</p> <p>2 a year, so '91 I was back in school.</p> <p>3 Q. And then after that did you attend any</p> <p>4 other -- did you -- any other school -- schools?</p> <p>5 A. No.</p> <p>6 Q. I want to ask you some questions about your</p> <p>7 employment. Who is your current employer?</p> <p>8 A. Housing Works.</p> <p>9 Q. And where is that?</p> <p>10 A. In New York.</p> <p>11 Q. What's your position?</p> <p>12 A. I'm the asset protection manager for the</p> <p>13 thrift organization.</p> <p>14 Q. And when did you start working there?</p> <p>15 A. Two years ago. It will be three years in</p> <p>16 March, so two and a half years ago.</p> <p>17 Q. So end of 2019?</p> <p>18 A. March 2020 it would be.</p> <p>19 Q. March 2020, okay. And where did you work</p> <p>20 before that?</p> <p>21 A. Bloomingdale's.</p> <p>22 Q. And where in Bloomingdale's? What store?</p> <p>23 A. I worked at three different locations. My</p> <p>24 final location was the Soho location.</p> <p>25 Q. And why did you leave the Soho location?</p>	<p>Page 15</p> <p>1 store before you were terminated?</p> <p>2 A. Rough estimate a year, almost a year and a</p> <p>3 half.</p> <p>4 Q. And did you receive any disciplinary action</p> <p>5 before that termination?</p> <p>6 A. I believe there was a corrective action, yes.</p> <p>7 Q. And when did you receive that corrective</p> <p>8 action?</p> <p>9 A. I don't recall the exact date.</p> <p>10 Q. Approximate, what year?</p> <p>11 A. That year, 2019.</p> <p>12 Q. So it was in 2019. What was it for, the</p> <p>13 corrective action?</p> <p>14 A. Same thing, substandard job performance.</p> <p>15 Q. Did you receive any -- a probation period to</p> <p>16 improve your performance?</p> <p>17 MS. TIERNEY: I'm going to object to the</p> <p>18 form. You can answer.</p> <p>19 THE WITNESS: As part of the corrective</p> <p>20 action process, you're put on notice, so I assume that's</p> <p>21 what you mean by a probation period.</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q. Yes. Was there a time that you had from that</p> <p>24 corrective action to termination that you were being</p> <p>25 reviewed?</p>



<p>Page 16</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And what were you to improve upon?</p> <p>3 A. I don't recall the specifics.</p> <p>4 Q. Did you receive a document stating your --</p> <p>5 withdrawn. Did you receive a document with the</p> <p>6 corrective action?</p> <p>7 A. I would have, yes.</p> <p>8 Q. And did you also receive a document with your</p> <p>9 termination?</p> <p>10 A. Yes.</p> <p>11 Q. So can you elaborate as to what were you not</p> <p>12 doing properly that warranted the corrective action?</p> <p>13 MS. TIERNEY: I'm going to object to the</p> <p>14 form. You can answer.</p> <p>15 THE WITNESS: Sure. What it boiled down</p> <p>16 to is Sarah didn't like how I held my team accountable</p> <p>17 to certain store I don't want to say policies but</p> <p>18 standards. There were a lot of changes at that time. I</p> <p>19 had a young team. She wanted me to discipline them</p> <p>20 more. And I was following our old AP guidelines and</p> <p>21 trying to develop the team.</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q. So why don't we back up a little bit.</p> <p>24 Before -- what was your end position at the Soho store?</p> <p>25 A. The asset protection manager.</p>	<p>Page 18</p> <p>1 still an asset protection manager level job.</p> <p>2 Q. At what point were you the head of</p> <p>3 investigations?</p> <p>4 A. Pretty much my entire time there, but I also</p> <p>5 took on responsibilities as the external manager. I ran</p> <p>6 the uniform garb part of the business, but through the</p> <p>7 entire time of the business I was managing the internal</p> <p>8 team.</p> <p>9 Q. Okay. And when did you start that position?</p> <p>10 A. I was probably there for the two years prior</p> <p>11 to going to Soho.</p> <p>12 Q. So Kristina was employed from approximately</p> <p>13 April 2016 until June 2017. Would you say that during</p> <p>14 that entire time period you were at the flagship store</p> <p>15 as the asset protection manager?</p> <p>16 A. The majority of that time. I'm trying to</p> <p>17 think, I was in Hackensack prior to that, so it was</p> <p>18 probably right around that time frame in 2016 that I</p> <p>19 transitioned to 59th Street, but I don't recall the</p> <p>20 exact dates.</p> <p>21 Q. And why did you transition to the 59th</p> <p>22 Street?</p> <p>23 A. Our vice president of asset protection asked</p> <p>24 me to become the manager of investigations.</p> <p>25 Q. And who was that? Do you know the name?</p>
<p>Page 17</p> <p>1 Q. And were you just the asset protection</p> <p>2 manager for that store?</p> <p>3 A. Yes, for the most part.</p> <p>4 Q. And can you elaborate what you mean by for</p> <p>5 the most part?</p> <p>6 A. If they needed assistance anywhere that my</p> <p>7 experience helped, I had helped at other locations</p> <p>8 throughout my career. So I've helped at Bloomingdale's</p> <p>9 outlets if they needed an investigation or a</p> <p>10 conversation to be taken place or temporary oversight.</p> <p>11 Q. And before that Soho store -- withdrawn. And</p> <p>12 you said that you were working at the Soho store for a</p> <p>13 year and a half before your termination, correct,</p> <p>14 approximately?</p> <p>15 A. Approximately.</p> <p>16 Q. Okay.</p> <p>17 A. I don't recall the exact dates.</p> <p>18 Q. So then before that where did you work?</p> <p>19 A. The 59th Street flagship.</p> <p>20 Q. And what was your position there?</p> <p>21 A. Basically the same, asset protection manager.</p> <p>22 Q. Okay.</p> <p>23 A. I oversaw various parts of our team</p> <p>24 throughout my time there, so at one point I was</p> <p>25 considered the manager of investigations. But it was</p>	<p>Page 19</p> <p>1 A. Chad McIntosh.</p> <p>2 Q. And why did you leave the 59th Street store</p> <p>3 to go to Soho?</p> <p>4 A. Because the former director of that location</p> <p>5 asked me to fill the open position.</p> <p>6 Q. And who is the former director?</p> <p>7 A. I'm trying to think of her last name. It was</p> <p>8 Mary. I don't recall her last name right now.</p> <p>9 Q. And can you repeat her position?</p> <p>10 A. She was the store director.</p> <p>11 Q. At the flagship store or the Soho location?</p> <p>12 A. At the Soho location.</p> <p>13 Q. Did your duties change from Hackensack to the</p> <p>14 flagship store?</p> <p>15 A. Because I was moved from being a general</p> <p>16 asset protection manager to a store with multiple asset</p> <p>17 protection managers and given the position of manager of</p> <p>18 investigations, it was more specific to the internal</p> <p>19 issues, although we all contributed to the overall</p> <p>20 running of the department for the store, but I was more</p> <p>21 focused on internal issues.</p> <p>22 Q. In the 59th Street store you're saying?</p> <p>23 A. Yes.</p> <p>24 Q. In the 59th Street store were you managing --</p> <p>25 or in charge of the asset protection just for that</p>



<p>1 store?</p> <p>2 A. Yes, unless, like I said, they needed help at</p> <p>3 our outlet or something like that, they might ask us to</p> <p>4 contribute elsewhere.</p> <p>5 Q. And did you receive any disciplinary action</p> <p>6 at the Hackensack location?</p> <p>7 A. No.</p> <p>8 Q. And prior to the Hackensack location where</p> <p>9 did you work?</p> <p>10 A. For Gap, Inc.</p> <p>11 Q. And what years did you work -- or what time</p> <p>12 period did you work at Gap, Inc.?</p> <p>13 A. I want to say 1995 or '96 to two thousand --</p> <p>14 it was approximately 19 years. I'm trying to think of</p> <p>15 the exact dates.</p> <p>16 Q. Okay. And why did you leave Gap, Inc.?</p> <p>17 A. There were a lot of changes going on, and my</p> <p>18 former boss, Mary Kelly, had moved to Bloomingdale's,</p> <p>19 and there was a good opportunity, and I'd been with Gap</p> <p>20 for nearly 20 years. And based on the change and</p> <p>21 wanting to do something new, I followed her over to</p> <p>22 Bloomingdale's.</p> <p>23 Q. Okay. And what was your position at Gap,</p> <p>24 Inc. or what were your positions if there was more than</p> <p>25 one?</p>	<p>Page 20</p> <p>1 Fred -- what was Fred Becker's position?</p> <p>2 A. I believe the title was director of asset</p> <p>3 protection.</p> <p>4 Q. So besides the corrective action in the Soho</p> <p>5 location, have you received at any employment any</p> <p>6 disciplinary action against you?</p> <p>7 A. I would -- I don't recall specifics, but I'm</p> <p>8 sure at Gap there were times where for early on time and</p> <p>9 attendance or something like that but nothing other than</p> <p>10 that type of corrective action.</p> <p>11 Q. And were you terminated from any employment</p> <p>12 besides the Soho location?</p> <p>13 A. No.</p> <p>14 Q. So we'll go back to -- we'll come back to</p> <p>15 the -- your termination, the details surrounding that,</p> <p>16 but first I wanted -- I want to know what your duties</p> <p>17 and responsibilities were at the 59th Street location.</p> <p>18 A. My primary responsibility was to manage a</p> <p>19 team of four to five internal investigators focused on</p> <p>20 identifying and resolving internal theft or fraud</p> <p>21 issues, any policy issues pertaining to asset</p> <p>22 protection, so violation of the discount policy. Those</p> <p>23 kind of things were the focus of my team.</p> <p>24 Q. And who was in your team?</p> <p>25 A. I had four to five. Shanine Gray was one</p>
<p>Page 21</p> <p>1 A. I started out as a door guard, became a</p> <p>2 supervisor, then a store asset protection manager, then</p> <p>3 the field guard supervisor which was like a corporate</p> <p>4 level job. Then I became -- for Gap, Inc. which was</p> <p>5 cross-divisional I was the area investigator for the</p> <p>6 Northeast, and then I was for Gap brand specifically the</p> <p>7 regional loss prevention manager for the Northeast.</p> <p>8 Q. Okay. Was that last position the last</p> <p>9 position that you held there?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And who was your supervisor when you</p> <p>12 transitioned to the 59th Street location?</p> <p>13 A. I'm sorry, from Hackensack to 59th Street?</p> <p>14 Q. Yes.</p> <p>15 A. Fred Becker.</p> <p>16 Q. And how did he supervise you?</p> <p>17 MS. TIERNEY: Object to the form. You</p> <p>18 can answer.</p> <p>19 THE WITNESS: I mean, we met formally I</p> <p>20 guess on a weekly basis. We would have recaps. But we</p> <p>21 worked together every day. We shared the same office</p> <p>22 complex. So there was the formal side and then the</p> <p>23 informal side of it.</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. Okay. So I'll step back a little bit. So</p>	<p>Page 22</p> <p>1 person. I'm trying to think of the other names, Robert</p> <p>2 Rivera, George -- and I'll butcher his name -- Kornveh.</p> <p>3 There's another young lady named Teala. I can't think</p> <p>4 of her last name. And the fifth I can't think of her</p> <p>5 name which is terrible, but there was another young</p> <p>6 lady.</p> <p>7 Q. Okay, that's fine. And how did you -- I'll</p> <p>8 come back to that. Can you explain what the asset</p> <p>9 protection department entails in Bloomingdale's?</p> <p>10 MS. TIERNEY: I'm going to object to the</p> <p>11 form. You can answer, Chris.</p> <p>12 THE WITNESS: The overall asset</p> <p>13 protection department?</p> <p>14 BY MS. MENDOZA:</p> <p>15 Q. Yes.</p> <p>16 A. We were there to protect the assets of the</p> <p>17 company, everything from the building through managing</p> <p>18 alarm systems, that kind of thing, to the fixtures,</p> <p>19 anything used to do business, the merchandise, the</p> <p>20 people through various methods.</p> <p>21 So we had a team that was focused on -- they</p> <p>22 were the door guards who were focused on access control.</p> <p>23 We had external detectives that were focused on external</p> <p>24 threats like shoplifters, fraudsters, counterfeiters.</p> <p>25 We had the internal team which I managed which was</p>
<p>215-341-3616 transcripts@everestdepo.com</p> <p>Everest Court Reporting LLC</p>	<p>Page 23</p> <p>Page: 8 (20 - 23)</p>

<p>1 focused on the internal side of things. And then we had  2 various people that did jobs around technology, running  3 the camera systems, the alarm systems, all of those  4 things.  5 Q. Did you manage all those people?  6 A. Like I said, my focus was the five-man  7 internal investigations team, but at various times at  8 59th Street I did have responsibility to each of those  9 groups.  10 Q. Is asset protection the same as loss  11 prevention?  12 A. Yes, for the most part.  13 Q. What is the difference between the two?  14 A. I think it's more of the connotation. Old  15 school loss prevention was just catching shoplifters. I  16 think they're synonymous. I think the industry moved to  17 asset protection because it was more encompassing of all  18 of the other parts of managing the business, supply  19 chain and all of those things.  20 Q. Where was your office located?  21 A. I'm sorry?  22 Q. Where was your office located?  23 MS. TIERNEY: Object to the form. You  24 can answer. I assume you mean 59th Street.  25 BY MS. MENDOZA:</p>	<p>Page 24</p> <p>1 A. I believe so. I don't recall 100 percent,  2 but I believe he was still there.  3 Q. Okay. And what were his duties as asset  4 protection manager?  5 MS. TIERNEY: I'll object to the form.  6 You may answer.  7 THE WITNESS: I don't recall specifically  8 which department of asset protection. I believe he was  9 overseeing at one point the external detective team, and  10 at one point I believe he oversaw the door guards or  11 the -- the door guard part of it, the uniform black  12 suited team.  13 BY MS. MENDOZA:  14 Q. Okay. And did he ever work on the floor?  15 MS. TIERNEY: Object to the form. You  16 may answer.  17 THE WITNESS: I mean we all worked on the  18 floor sometimes.  19 BY MS. MENDOZA:  20 Q. Okay. And how did you work on the floor?  21 A. Part of our job was to do trainings on the  22 floor. Part of our job was to check in with the -- our  23 various employees so the door guards. So we would be on  24 the floor to check in and make sure people were doing  25 their jobs, support the store.</p> <p>Page 26</p>
<p>1 Q. Within the building because you said it was  2 next to Fred, correct?  3 A. It was in the same little complex. It's what  4 we called the mezzanine. It was kind of a -- the  5 building was multiple buildings kind of mashed together  6 a hundred years ago to create the Bloomingdale's. It's  7 a block -- takes up the entire block. We were on what  8 was I think called 2M, but it was the mezzanine level of  9 the store.  10 Q. Okay. Was it next to HR?  11 A. No.  12 Q. Did you supervise -- withdrawn. Was one of  13 the guards Bobby Booker?  14 A. No. Bobby was an asset protection manager.  15 Q. Was he employed during Kristina's employment?  16 A. I don't know the exact dates, but I believe  17 he was there for at least part of it. Bobby was with us  18 for -- I don't remember exactly, but he wasn't there  19 extremely long that I recall.  20 Q. Do you know the date that he was -- that he  21 left?  22 A. I don't recall, no.  23 Q. Was it before or after -- when you left the  24 Soho location, was he still working at the 59th Street  25 store?</p> <p>Page 25</p>	<p>1 Q. Okay. Did you take any -- withdrawn. Do you  2 know if any disciplinary action was taken against Bobby  3 Booker?  4 A. No, I wasn't part of that. I didn't manage  5 him, so I wouldn't be aware of that.  6 Q. Okay. You said you didn't manage him. Is  7 that correct?  8 A. We were peers, yes. I did not manage him.  9 He was my peer.  10 Q. I see. Did -- was it Fred Becker that  11 managed him?  12 A. Yes.  13 Q. Do you know if anyone made a complaint of  14 sexual harassment against Bobby Booker?  15 A. I'm not aware of any.  16 Q. Do you know if anyone made a complaint of  17 discrimination against Bobby Booker?  18 A. Not that I'm aware of, no.  19 Q. Okay. Do you know if Bobby Booker is still  20 working at Bloomingdale's?  21 A. I don't believe so, but I couldn't tell you a  22 hundred percent, but I do not believe he is still there.  23 Q. Do you know any details surrounding his  24 employment -- withdrawn. Do you know any details  25 surrounding the end of his employment at Bloomingdale's?</p> <p>Page 27</p>

<p>Page 28</p> <p>1 A. No.</p> <p>2 Q. Do you know who Richard Law was or is?</p> <p>3 A. Richard was when I was at 59th Street one of</p> <p>4 the HR managers.</p> <p>5 Q. Okay. And how often did you interact with</p> <p>6 Richard?</p> <p>7 A. It depended on the situation. Other than</p> <p>8 occasional meetings or occasional cases, I would</p> <p>9 probably see him around weekly, but unless he was</p> <p>10 managing an area we had a specific issue in, we didn't</p> <p>11 really spend a lot of time together.</p> <p>12 Q. Okay. Did you have to report to Richard Law?</p> <p>13 MS. TIERNEY: Object to the form. You</p> <p>14 can answer.</p> <p>15 THE WITNESS: It depends on your</p> <p>16 definition of report to. I would keep him informed if</p> <p>17 we were doing an investigation and were going to have a</p> <p>18 conversation with an employee that fell under his area</p> <p>19 so it was more of a dotted line informational reporting.</p> <p>20 He didn't manage me.</p> <p>21 BY MS. MENDOZA:</p> <p>22 Q. And what do you mean by his -- it fell under</p> <p>23 his department?</p> <p>24 A. If I remember correctly, we had maybe four HR</p> <p>25 managers that covered different areas of the store</p>	<p>Page 30</p> <p>1 protection team if they felt there was a lot of external</p> <p>2 theft going on. Part of when we spoke about being on</p> <p>3 the floor would be to touch base with the various</p> <p>4 managers and see what support they needed. So, yes, in</p> <p>5 general conversation, yes, I would have had contact with</p> <p>6 her.</p> <p>7 BY MS. MENDOZA:</p> <p>8 Q. Did Chanel have their own asset protection</p> <p>9 department?</p> <p>10 MS. TIERNEY: Object to the form. You</p> <p>11 can answer.</p> <p>12 THE WITNESS: Not within Bloomingdale's</p> <p>13 itself. I don't know if they had a corporate loss</p> <p>14 prevention that looked at anything, but within</p> <p>15 Bloomingdale's they fell under our asset protection</p> <p>16 team.</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q. Did you speak to Cathy about your</p> <p>19 investigations that you were conducting if they involved</p> <p>20 Chanel employees?</p> <p>21 A. Potentially on a high level she would know</p> <p>22 that, for instance, there was a lot of fraud activity in</p> <p>23 the building or in Chanel and what to look for from a</p> <p>24 training perspective but not detailed about any specific</p> <p>25 investigation.</p>
<p>Page 29</p> <p>1 because 59th Street had I'm going to say thousands of</p> <p>2 employees. They had multiple HR managers, and they</p> <p>3 split the store up where they each had an area, whether</p> <p>4 it was a department, a floor. I'm not sure how they</p> <p>5 broke it down. But if we were investigating or about to</p> <p>6 have a conversation with an employee based on an</p> <p>7 investigation, we would put that manager -- that HR</p> <p>8 manager in the loop that at such date and time we will</p> <p>9 be talking to this employee to expect a partnership.</p> <p>10 Q. Do you know Cathy Younis?</p> <p>11 A. Cathy was the manager for Chanel, I believe.</p> <p>12 I'm not sure if she had a different title. But she ran</p> <p>13 the Chanel department for a while.</p> <p>14 Q. So during Kristina's employment, she was --</p> <p>15 is it fair to say that Cathy was the manager or the</p> <p>16 director of Chanel's department at that time?</p> <p>17 A. Yes.</p> <p>18 Q. Did you have any conversations with Cathy as</p> <p>19 part of your duties and responsibilities?</p> <p>20 MS. TIERNEY: Object to the form. You</p> <p>21 can answer.</p> <p>22 THE WITNESS: In a general sense, yeah, I</p> <p>23 spoke to the majority of the managers at some point,</p> <p>24 whether it was about training, any particular issues,</p> <p>25 controls, policies. They would come to me or the asset</p>	<p>Page 31</p> <p>1 Q. So did Cathy ever report anyone for fraud?</p> <p>2 A. I don't recall Cathy specifically bringing</p> <p>3 anything forward.</p> <p>4 Q. Do you recall any conversations with Cathy</p> <p>5 about any of her employees committing fraud?</p> <p>6 A. Not specific employees. I don't recall any</p> <p>7 specific names, no.</p> <p>8 Q. Okay.</p> <p>9 A. Potentially she brought up there's a lot of</p> <p>10 activity or high purchasing but nothing specific to an</p> <p>11 employee.</p> <p>12 Q. And do you know who Denis Diaz is?</p> <p>13 A. I recall the name, and I think he worked for</p> <p>14 or with Cathy in Chanel.</p> <p>15 Q. Okay. And so did you correspond with him in</p> <p>16 your duties and responsibilities in asset protection?</p> <p>17 MS. TIERNEY: And I'm going to object to</p> <p>18 the form. You can answer.</p> <p>19 THE WITNESS: In the same way I would any</p> <p>20 manager in the store, like I said before, whether it was</p> <p>21 from training or touch base on the floor to say how can</p> <p>22 we support you or that kind of thing.</p> <p>23 BY MS. MENDOZA:</p> <p>24 Q. Did he -- do you recall if Dennis ever</p> <p>25 reported any of the employees to the asset protection</p>

Page 32	Page 34
<p>1 department?</p> <p>2 A. I don't recall any specific employees, no.</p> <p>3 Q. Did he report any issues that were occurring</p> <p>4 in the Chanel department?</p> <p>5 A. I would say both Dennis and Cathy at</p> <p>6 different times were concerned about external fraud</p> <p>7 occurring, a lot of what we called diverters, but they</p> <p>8 were resellers, and they had concerns about that.</p> <p>9 Q. Okay. And when did they inform you about</p> <p>10 these concerns?</p> <p>11 A. I don't remember exact dates.</p> <p>12 Q. Was it during Kristina's employment?</p> <p>13 A. I'm going to say I'm sure there were</p> <p>14 conversations about that during that time frame. Chanel</p> <p>15 as you can imagine was -- is an attractive brand for all</p> <p>16 kinds of fraudsters, so they would have been one of --</p> <p>17 both from an external or internal perspective would be</p> <p>18 something we would focus on.</p> <p>19 Q. Is there anything that I can show you that</p> <p>20 could refresh your recollection during that time?</p> <p>21 MS. TIERNEY: Object to the form. You</p> <p>22 can answer.</p> <p>23 THE WITNESS: I don't know.</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. Was there any emails? Like did they e-mail</p>	<p>1 A. Pertaining to Kristina.</p> <p>2 Q. Pertaining to Kristina, okay. Who was it</p> <p>3 pertaining to?</p> <p>4 A. The majority that I remember the concerns</p> <p>5 were from an external point of view, people either doing</p> <p>6 fraudulent transactions or diverters that would come in</p> <p>7 and buy low to sell high so to speak. They were more</p> <p>8 focused on the external element.</p> <p>9 Q. All right, so as part of your</p> <p>10 responsibilities in your position -- withdrawn. Is it</p> <p>11 fair to say that part of your job was to conduct</p> <p>12 investigations?</p> <p>13 A. Yes. Through my team I oversaw the four to</p> <p>14 five investigators.</p> <p>15 Q. Okay. And what type of investigations did</p> <p>16 you do?</p> <p>17 A. My team was focused on internal</p> <p>18 investigations, so it could be anything from theft of</p> <p>19 merchandise by an employee, theft of cash by an</p> <p>20 employee, different types of return fraud by an employee</p> <p>21 down to and including more policy violations around</p> <p>22 discount abuse and those kind of things.</p> <p>23 Q. Now, how do you determine what kind of -- how</p> <p>24 do you start an investigation?</p> <p>25 A. It could be any number of ways. It could be</p>
Page 33	Page 35
<p>1 you saying, hey, we have something going on here, please</p> <p>2 look into it, something to that nature?</p> <p>3 A. I don't recall, but if you have them, it</p> <p>4 might help my recollection.</p> <p>5 Q. Okay. No, I do not have any. I asked for</p> <p>6 other employees, but I just wanted to know if -- that's</p> <p>7 why I'm asking -- if Cathy or Denis at that time ever</p> <p>8 alerted you or raised any issues with you with the</p> <p>9 department.</p> <p>10 A. No, I don't recall any specifics. I know</p> <p>11 there was concern in a lot of our bigger brand name</p> <p>12 areas for the diverter and fraud, the reselling side of</p> <p>13 things. I don't recall specifics from either of them,</p> <p>14 you know, but we would get quite a few e-mails or</p> <p>15 conversations on the floor. So I don't know how they</p> <p>16 communicated at the time, but, you know, it could have</p> <p>17 been one of four or five other asset protection managers</p> <p>18 that would have gotten some of that communication.</p> <p>19 Q. Did either Cathy or Denis have any</p> <p>20 conversations with you about Kristina and fraud?</p> <p>21 A. Not that I recall, no.</p> <p>22 Q. Or a possible diversion or diversion?</p> <p>23 A. Not specifically pertaining to her.</p> <p>24 Q. Not specifically, I did not hear that last</p> <p>25 part. What did you say?</p>	<p>1 from a tip, an anonymous tip, the team reviewing various</p> <p>2 reports, return reports, credit card reports. There are</p> <p>3 a number of ways to initiate an investigation.</p> <p>4 Q. And is it documented anywhere how the</p> <p>5 investigation is started or prompted?</p> <p>6 A. Within the overall summary of the</p> <p>7 investigation there would be notes on how it started,</p> <p>8 yes.</p> <p>9 Q. And what is central investigation?</p> <p>10 A. Corporate, so our corporate investigations</p> <p>11 team that had responsibility to all of the</p> <p>12 Bloomingdale's locations.</p> <p>13 Q. And how did your department work with central</p> <p>14 investigations?</p> <p>15 A. They may come across information that could</p> <p>16 initiate an investigation into the store. They may be</p> <p>17 working on a broader investigation that they coordinate</p> <p>18 with us in the store. The majority of their time was</p> <p>19 focused on the branch stores that didn't have the</p> <p>20 resources we have at 59th Street. But on occasion they</p> <p>21 would find something or get information that pertained</p> <p>22 to our store, and we would work together to investigate</p> <p>23 it and resolve the issues.</p> <p>24 Q. And did they work with the Macy's credit card</p> <p>25 customer service?</p>



<p>1 MS. TIERNEY: Object to the form. You 2 may answer. 3 THE WITNESS: I would say if MCCS had 4 information they would share it with our central team 5 and possibly the store team. 6 BY MS. MENDOZA: 7 Q. So in your experience, I'm asking 8 hypothetically, was it MCCS would contact central 9 investigations and then central investigations would 10 contact you, or could it be MCCS would contact you? 11 MS. TIERNEY: I'm going to object to 12 form. You can answer. 13 THE WITNESS: My recollection they would 14 generally go through the central team, and then it would 15 come to the store. 16 BY MS. MENDOZA: 17 Q. And when you say central investigations as 18 corporate, are you saying that those are synonymous? 19 A. Well, I guess the technical title of our 20 asset protection team in corporate we called them 21 central AP. 22 Q. So central investigations is essentially also 23 another asset protection. Is that correct? 24 A. They're the corporate level asset protection, 25 yes.</p>	<p>Page 36</p> <p>1 A. The majority of asset protection team. The 2 external team would have to do external investigations 3 and case input. We would have access as the internal 4 team depending -- I don't know that everyone had the 5 same level of access that could go in and -- you know, I 6 could go in and approve certain things. Other people 7 could not. 8 Q. And do you know if it was -- withdrawn. Did 9 you also -- did the asset protection department also 10 have access to other software for employees? 11 MS. TIERNEY: Object to the form. You 12 may answer. 13 THE WITNESS: We had access to look at 14 scheduling. We had access to look at anything that 15 occurred through the register so we could track 16 purchases, credit card numbers to a point, but only a 17 couple of us had access to unencrypting credit cards or 18 anything along those lines. But there was a general 19 reporting system pulled from the registers. 20 BY MS. MENDOZA: 21 Q. Did you have the same access to employees' 22 files as HR? 23 A. No, not employee files. 24 Q. So what besides employee files did you have 25 access to that HR did?</p> <p>Page 38</p>
<p>1 Q. Right, okay. And where are they located? 2 A. I don't remember the exact address, but they 3 were in Manhattan. There was a separate office in 4 Manhattan. 5 Q. And did their office also have HR? 6 MS. TIERNEY: Object to the form. 7 MS. MENDOZA: I'll rephrase that. 8 BY MS. MENDOZA: 9 Q. Did their office -- was that corporate office 10 corporate for each department of the Bloomingdale's 59th 11 Street store? 12 MS. TIERNEY: Object to the form. You 13 can answer. 14 THE WITNESS: I don't recall there being 15 other -- perhaps within the building there were other 16 divisions like asset protection HR. I do not recall 17 them being in the same offices. And HR for 59th Street 18 was at 59th Street. 19 BY MS. MENDOZA: 20 Q. And did you use any specific software to 21 track your investigations, keep track of your 22 investigations? 23 A. There was an internal reporting system. I 24 don't remember the name of it. 25 Q. Who had access to that system?</p> <p>Page 37</p>	<p>Page 39</p> <p>1 MS. TIERNEY: Object to the form. You 2 may answer. 3 THE WITNESS: I think the only thing we 4 would have used would be like the scheduling tool to see 5 when an employee was in. I didn't have access to or my 6 team wouldn't have access to any corrective 7 documentation or any of those kind of things. 8 BY MS. MENDOZA: 9 Q. What about if they were on leave? 10 A. I don't know that we would see that. We 11 would get their basic information. We could see I guess 12 what you call a cover page, their employee ID, their 13 name, their address, and we could pull up their 14 schedules. If they were on leave, we would probably 15 have to find that out through HR. 16 MS. TIERNEY: Counsel, when you get to a 17 break, could we take a restroom break for a few minutes? 18 MS. MENDOZA: Yes. We can stop now. 19 (Recess taken) 20 BY MS. MENDOZA: 21 Q. I want to ask you going back to the 22 investigations how is a discount abuse investigation 23 conducted? 24 A. Could be a number of ways, but if we receive 25 information or felt there was discount abuse based on</p>

<p>1 reporting, we would pull up individual transactions, see 2 how it was paid for.</p> <p>3 Generally at Bloomingdale's everybody had a 4 Bloomingdale's account they had to use for their 5 discount. Some were basic credit card accounts, normal 6 credit card accounts. Some were prepaid.</p> <p>7 If there was a prepaid account, we would see 8 how that account was being paid off. So a prepaid 9 account you'd have to have a balance on your account in 10 order to use the credit card. So we would look for 11 payments that were made, were any payments made with a 12 debit card, are any of them not associated with the 13 employee, were payments made at a register prior to the 14 purchase in which somebody else paid for the payment so 15 to speak. I mean those are the general parameters that 16 we would look for to prove discount abuse, did somebody 17 else pay to the card for the benefit of the discount.</p> <p>18 Q. Did Bloomingdale's have a specific 19 Bloomingdale's -- does Bloomingdale's have a specific 20 discount policy?</p> <p>21 A. Yes.</p> <p>22 Q. And was that different than the Chanel 23 department discount policy?</p> <p>24 MS. TIERNEY: Object to the form. You 25 may answer.</p>	<p>Page 40</p>	<p>1 MS. TIERNEY: I mean it looks like it's a 2 three-page document, 379 through 380.</p> <p>3 MS. MENDOZA: Yes.</p> <p>4 MS. TIERNEY: Chris, I would just ask you 5 to read the whole document before you start asking 6 questions about it or at least look through it to your 7 comfort level. And you may need to ask the tech to move 8 it for you.</p> <p>9 THE WITNESS: Yeah, if you can go back to 10 the previous view, I can read that. I can't read this.</p> <p>11 MS. TIERNEY: I'm sorry, did you want him 12 to start on Page 379, Melissa?</p> <p>13 MS. MENDOZA: Yes.</p> <p>14 THE WITNESS: Okay, read that part.</p> <p>15 MS. MENDOZA: I just wanted him looking 16 at the first section.</p> <p>17 MS. TIERNEY: I'm sorry, Counsel, but 18 since this is an exhibit of two pages, I do want him to 19 see both pages before he answers questions.</p> <p>20 MS. MENDOZA: Oh, sure. That's fine. (Plaintiff's Exhibit 1 marked for 21 identification)</p> <p>22 BY MS. MENDOZA: 23 Q. This is going to be marked Plaintiff's 24 Exhibit 1. It's Bates stamped at the bottom BLM000379 25</p>	<p>Page 42</p>
<p>1 THE WITNESS: I believe initially it 2 would have been the same because Chanel employees at 3 different times either worked for Bloomingdale's or 4 became a lease, and the lease agreements may have 5 different discount policies but not necessarily discount 6 rules. They may get a different discount amount, but 7 they still had the general policies.</p> <p>8 MS. MENDOZA: So let's take a look at one 9 of them. And this is 380.</p> <p>10 MR. MESSNER: You said 380, Counsel?</p> <p>11 MS. MENDOZA: Yes.</p> <p>12 MS. TIERNEY: Melissa, are you marking 13 that as Exhibit 1?</p> <p>14 MS. MENDOZA: Yes.</p> <p>15 MR. GERBER: Just give us a minute to get 16 it up on our screen, Melissa.</p> <p>17 MR. MESSNER: Counsel, would it be under 18 different Bates number? I don't have a 380 in the 19 folder.</p> <p>20 MS. MENDOZA: Yeah, I don't see it 21 either. I will upload it. It starts at 379.</p> <p>22 MS. TIERNEY: Melissa, are you marking 23 this whole thing or just the one page?</p> <p>24 MS. MENDOZA: Just the one page. But 25 this is --</p>	<p>Page 41</p>	<p>1 to BLM000380. Do you see those there, those numbers? 2 A. Yes.</p> <p>3 Q. So I want to direct your attention to 380. 4 So when we're talking about this kind of abuse, did the 5 Chanel handbags over-purchasing limits would that be 6 considered discount abuse?</p> <p>7 A. No. When you say discount abuse, to me it 8 means the employee discount abuse where the employee 9 abuses their personal discount. This part if I'm 10 reading correctly is the number of handbags that can be 11 sold to any customer because of the diverter or 12 reselling concerns. And to make sure they had stock on 13 hand, there was a limit to the number of bags anyone 14 could buy within the department.</p> <p>15 Q. Okay. So you're saying this policy here was 16 not specific to employees. This is for customers?</p> <p>17 MS. TIERNEY: Object to the form. You 18 can answer.</p> <p>19 THE WITNESS: It would apply to anybody 20 including employees, but this particular part is talking 21 about the number of handbags that could be purchased, 22 not the discount associated with it.</p> <p>23 BY MS. MENDOZA: 24 Q. And do you know if the number of handbags 25 policy changed during Kristina's employment?</p>	<p>Page 43</p>

<p>Page 44</p> <p>1 A. I do not recall specifically. I think at 2 some point when they were talking about becoming leased 3 there may have been adjustments, but I don't remember 4 specifically one that occurred and what the numbers 5 would be.</p> <p>6 Q. And was there -- withdrawn. Was Kristina 7 investigated for violating this policy?</p> <p>8 A. I don't recall that it was being specific to 9 this policy, but this policy would have been included in 10 any diverter or fraud type of investigation, so it would 11 have been part of it, not specific to this policy.</p> <p>12 Q. Okay. Do you know if Kristina exceeded the 13 number of handbag purchases allowed in this policy?</p> <p>14 A. I don't recall specifically. I don't recall 15 exactly how many of each bag she was selling to each 16 individual customer.</p> <p>17 Q. Back up a little bit. Do you know why 18 Kristina -- withdrawn. Was Kristina investigated?</p> <p>19 A. Yes.</p> <p>20 Q. Why was she investigated?</p> <p>21 A. Initially there was a larger fraud 22 investigation that involved collusion with outside 23 resellers, diverters that were targeting a number of our 24 brands, but Chanel was heavily hit. Kristina was, I'm 25 assuming, I don't recall specific numbers, but one of</p>	<p>Page 46</p> <p>1 additional information that she was directly related to 2 the fraud, so she was sent back to work.</p> <p>3 Q. So were these frauds -- withdrawn. These 4 transactions, were these transactions that Kristina was 5 making -- ringing up and not purchases that she was 6 making herself?</p> <p>7 A. The initial investigation was, yes, resellers 8 and fraudsters using stolen credit card information.</p> <p>9 Q. And when did that investigation conclude?</p> <p>10 A. With Kristina specifically --</p> <p>11 Q. Yes.</p> <p>12 A. -- or the overall -- with Kristina?</p> <p>13 Q. Yes.</p> <p>14 A. I believe we interviewed her on February 4th. 15 That was the -- I wouldn't say that was the conclusion, 16 but at that point she was not a primary target of the 17 investigation I guess you could say. We had gotten some 18 information from her. We had researched the memo order 19 process to the satisfaction that we did not have enough 20 evidence there to proceed with any kind of corrective 21 action at that point or termination.</p> <p>22 Q. So that was just for Kristina. Did the 23 investigation continue for anyone else?</p> <p>24 A. It went on for quite a while. Central 25 handled a number of other employee issues around the</p>
<p>Page 45</p> <p>1 the higher sellers, and there was a significant amount 2 of fraud within her sales history. So that was the 3 initial investigation.</p> <p>4 Q. Do you recall then what time period that was?</p> <p>5 A. I want to say it was early 2017. I believe 6 we had a conversation with Kristina in February of 2017 7 pertaining to the fraud aspect.</p> <p>8 Q. And how was this issue raised?</p> <p>9 MS. TIERNEY: Object to the form. You 10 may answer.</p> <p>11 THE WITNESS: I think initially it was a 12 combination of both one of my investigators as well as 13 information from MCCS and the central team because there 14 was a larger investigation into an external fraud ring 15 that had compromised a number of proprietary cards. And 16 upon investigating Kristina had an inordinately high 17 amount of the fraud associated with the sales she had 18 conducted.</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q. And when -- what was the outcome of that 21 investigation?</p> <p>22 A. The initial investigation after we spoke to 23 Kristina was inconclusive. There was documentation that 24 she had followed the -- what we called the memo order 25 process. And we didn't have an admission or any</p>	<p>Page 47</p> <p>1 same set of facts.</p> <p>2 Q. What do you mean other employee issues?</p> <p>3 A. Other employees were involved in the same 4 general investigation for the same dealings. So 5 Kristina was not the only person -- only employee 6 involved in a much broader investigation into the fraud 7 where other employees were investigated. Some were 8 interviewed by our central investigations team, and we 9 supported their investigations.</p> <p>10 Q. And did that -- when did that conclude for 11 those other employees?</p> <p>12 A. I do not remember the exact date. It went on 13 for some time around that -- between the February and 14 probably parts of it were still going on in May, June 15 when we had the second interview with Kristina.</p> <p>16 Q. And why did you have the second interview 17 with Kristina?</p> <p>18 A. Because additional reporting from my team as 19 well as the MCCS, the credit services, indicated a 20 severe spike in her spending habits to the tune of I 21 think over a handful of months \$65,000 worth of employee 22 purchases which would be indicative of -- it would be a 23 red flag for employee discount abuse and potentially 24 employee reselling merchandise outside the store.</p> <p>25 Q. And you said that this was initiated by your</p>



<p>1 team and MCCS. Is that correct?</p> <p>2 A. I think it was a combination. I think MCCS</p> <p>3 highlighted just how much was there, but it was both</p> <p>4 working together.</p> <p>5 Q. And did MCCS see the -- well, withdrawn. You</p> <p>6 said that it was a high amount, 65,000, correct?</p> <p>7 A. I want to say approximately \$65,000.</p> <p>8 Q. And does that include -- is that the full</p> <p>9 sale price of the purchases, or does that include all</p> <p>10 discounts taken off?</p> <p>11 A. I'm going to say that included the discounts.</p> <p>12 That was the final amount paid.</p> <p>13 Q. And does MCCS monitor the prepaid cards that</p> <p>14 you entered before?</p> <p>15 A. I believe so.</p> <p>16 Q. And they monitor the Bloomingdale's account,</p> <p>17 correct?</p> <p>18 A. Yeah. I mean, they were all considered</p> <p>19 Bloomingdale's accounts.</p> <p>20 Q. Okay.</p> <p>21 A. But based on the employee's I guess credit</p> <p>22 history, you would either have to get a prepaid if you</p> <p>23 wanted to get a discount if you couldn't qualify for a</p> <p>24 full-blown Bloomingdale's/Macy's credit card.</p> <p>25 Q. And so what happened after you -- your team</p>	<p>Page 48</p>	<p>1 THE WITNESS: Not on the bags that were</p> <p>2 shipped to New Hampshire and I believe Mississippi.</p> <p>3 BY MS. MENDOZA:</p> <p>4 Q. But she did pay New York sales tax for other</p> <p>5 purchases, correct?</p> <p>6 MS. TIERNEY: Object to the form. You</p> <p>7 may answer.</p> <p>8 THE WITNESS: If it was bought and not</p> <p>9 shipped to someplace without tax, yes, she would have</p> <p>10 paid the applicable tax.</p> <p>11 BY MS. MENDOZA:</p> <p>12 Q. But I'm asking in your investigation did you</p> <p>13 find that she did pay New York sales tax for some</p> <p>14 purchases?</p> <p>15 A. For some purchases, yes.</p> <p>16 Q. At that time could employees ship items,</p> <p>17 purchases to -- as gifts out of state?</p> <p>18 A. I do not believe there was any policy</p> <p>19 directly saying you cannot.</p> <p>20 Q. So how did you -- why did you assume that her</p> <p>21 shipping out of state to those locations -- to locations</p> <p>22 had to be for reasons other than for gifts?</p> <p>23 A. I don't think we assumed any of that. We did</p> <p>24 the investigation. There were multiple red flags based</p> <p>25 on her -- the amount. \$65,000 over a few months of</p>	<p>Page 50</p>
<p>1 learned about these purchases?</p> <p>2 A. We pulled some of the purchase history. We</p> <p>3 looked at different transactions, the level of activity.</p> <p>4 We identified that a good number of the purchased items</p> <p>5 from Chanel were shipped out of state which is</p> <p>6 indicative of either reselling, sending them to a</p> <p>7 reseller, reselling yourself, and potentially tax fraud</p> <p>8 to evade New York sales tax. So based on that</p> <p>9 information, we decided to do another interview or</p> <p>10 conversation with Kristina.</p> <p>11 Q. If she paid -- if she used the prepaid card,</p> <p>12 does that include payment for tax as well?</p> <p>13 MS. TIERNEY: Object to the form. You</p> <p>14 can answer.</p> <p>15 THE WITNESS: The prepaid card would just</p> <p>16 be an amount on the card available for a sale. It</p> <p>17 didn't take in account of anything other than the final</p> <p>18 price.</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q. Which would include the tax, correct?</p> <p>21 A. It would include the applicable tax wherever</p> <p>22 it was being sent to.</p> <p>23 Q. Right. Did Kristina pay New York tax?</p> <p>24 MS. TIERNEY: Object to the form. You</p> <p>25 may answer.</p>	<p>Page 49</p>	<p>1 activity is a pretty extreme amount for a sales</p> <p>2 associate to spend. There was the prepaid aspect of it,</p> <p>3 where was the money coming from and the shipping out of</p> <p>4 state. They were all red flags. They do not mean</p> <p>5 anybody was doing anything in particular wrong, but</p> <p>6 based on the investigation, we had three or four</p> <p>7 different red flags around her purchases, her purchase</p> <p>8 history and behavior that indicated there could be</p> <p>9 discount abuse up to and including potential reselling</p> <p>10 and the tax implications of shipping somewhere else.</p> <p>11 There was no assumption that she definitely did it.</p> <p>12 There was -- the information came through the</p> <p>13 investigation that indicated they were potential issues.</p> <p>14 Q. And has any other employee had as high an</p> <p>15 amount of purchases?</p> <p>16 MS. TIERNEY: Object to the form. You</p> <p>17 may answer.</p> <p>18 THE WITNESS: To my recollection, no. I</p> <p>19 don't recall anyone having that high, but there were</p> <p>20 several that were high that were included in some of</p> <p>21 this activity and in the investigation.</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q. Okay. And when -- we'll come back to those</p> <p>24 people. But with Kristina did you interview her?</p> <p>25 A. We did.</p>	<p>Page 51</p>

<p>1 Q. And was this around June 6th, 2017?</p> <p>2 A. It was on June 6th, yes.</p> <p>3 Q. Okay. And did you -- you personally</p> <p>4 interviewed her with another investigator, correct?</p> <p>5 A. Yes. I believe it was Shanine.</p> <p>6 Q. Did you record that interview?</p> <p>7 A. We recorded all of the interviews.</p> <p>8 Q. And do you still have that video?</p> <p>9 A. I do not personally have the video.</p> <p>10 Q. Do you know what happened to the video?</p> <p>11 A. It was left with Bloomingdale's.</p> <p>12 Q. Do you know if the video was deleted after</p> <p>13 you left Bloomingdale's to the -- the flagship store to</p> <p>14 the Soho location?</p> <p>15 A. I don't know if it was deleted. I didn't</p> <p>16 delete it. It was on my computer and should have been</p> <p>17 backed up with the report.</p> <p>18 Q. And have you seen that video since you left</p> <p>19 Bloomingdale's?</p> <p>20 A. No.</p> <p>21 MS. MENDOZA: We will re-request the</p> <p>22 video. I know it was previously stated it was deleted,</p> <p>23 but we will re-request it.</p> <p>24 MS. TIERNEY: And, Counsel, the answer's</p> <p>25 going to be the same. And if you want to put something</p>	<p>Page 52</p>	<p>1 it home, paying the tax, she was not allowed to just</p> <p>2 ship it straight to that person?</p> <p>3 MS. TIERNEY: I'm going to object to the</p> <p>4 form. You can answer, Chris.</p> <p>5 THE WITNESS: She would be allowed to</p> <p>6 send it to a friend, but she admitted that she did it to</p> <p>7 avoid the taxes.</p> <p>8 BY MS. MENDOZA:</p> <p>9 Q. Right. Is that tax avoidance, or is that tax</p> <p>10 evasion?</p> <p>11 MS. TIERNEY: Object to the form to the</p> <p>12 extent that it calls for a legal conclusion. You can</p> <p>13 answer to the extent you have the knowledge.</p> <p>14 THE WITNESS: I'm not a lawyer, so I</p> <p>15 don't know how you would categorize it, but she admitted</p> <p>16 to doing it to not pay the New York State tax.</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q. For just those purchases, correct?</p> <p>19 A. For the purchases that were shipped to</p> <p>20 New Hampshire and Mississippi.</p> <p>21 Q. Right. And what is the policy for shipping</p> <p>22 out of state to not pay the sales tax?</p> <p>23 A. I don't know that we have a written policy,</p> <p>24 but it's illegal to do so in the state of New York from</p> <p>25 my understanding, so it would be an illegal act.</p>	<p>Page 54</p>
<p>1 in writing, we'll respond similarly.</p> <p>2 MS. MENDOZA: Okay, thank you.</p> <p>3 BY MS. MENDOZA:</p> <p>4 Q. So what happened during that interview? What</p> <p>5 was discussed?</p> <p>6 A. We talked about general loss prevention</p> <p>7 similar to what we would have had in our first</p> <p>8 conversation. And then we would have specifically asked</p> <p>9 her about her purchase history, talked about the</p> <p>10 scenario we just discussed and asked her questions</p> <p>11 around that, did she accept money, was there any third</p> <p>12 party involved, why was she shipping it out of state.</p> <p>13 And she expressed that she made all of the purchases</p> <p>14 with her own money, that she shipped it out of state to</p> <p>15 avoid taxes like she had done for other customers. And</p> <p>16 we concluded the investigation.</p> <p>17 Q. And what was the conclusion?</p> <p>18 MS. TIERNEY: Object to the form. You</p> <p>19 can answer.</p> <p>20 THE WITNESS: That she had admitted to</p> <p>21 shipping goods out of state to avoid New York sales tax,</p> <p>22 retail tax, whatever you want to call it.</p> <p>23 BY MS. MENDOZA:</p> <p>24 Q. So instead of her taking home -- purchasing</p> <p>25 an item for a friend in New Hampshire, instead of taking</p>	<p>Page 53</p>	<p>1 Q. And did you make that determination?</p> <p>2 A. The determination, no. I made the</p> <p>3 determination that we were doing the investigation and</p> <p>4 this is the outcome that she put in her statement.</p> <p>5 Q. Did you tell her what to write in the</p> <p>6 statement?</p> <p>7 A. No. I told her we were going to write a</p> <p>8 statement about what we discussed, and we walked through</p> <p>9 it and talked about what we had discussed in our</p> <p>10 conversation, and she documented it.</p> <p>11 Q. And did she have a union representative</p> <p>12 present?</p> <p>13 A. I do not recall there being one or her asking</p> <p>14 for one.</p> <p>15 Q. As part of the collective bargaining</p> <p>16 agreement, are you required to have a union</p> <p>17 representative present?</p> <p>18 A. At that point -- I don't know how it is</p> <p>19 today -- but no. If they ask for a union</p> <p>20 representative, we would stop the conversation and have</p> <p>21 one brought in. But if they did not ask for a union</p> <p>22 representative, it was not our job to offer.</p> <p>23 Q. Did anyone take any notes during that</p> <p>24 interview?</p> <p>25 A. Shanine would have as the witness.</p>	<p>Page 55</p>

<p>Page 56</p> <p>1 Q. So was Kristina pulled for exceeding the</p> <p>2 discount -- withdrawn. Was Kristina investigated</p> <p>3 initially and interviewed by you because she exceeded</p> <p>4 the handbag purchase limit?</p> <p>5 A. In this the second interview?</p> <p>6 Q. Yes.</p> <p>7 A. It was -- could have possibly been part of</p> <p>8 it, but it was the discount abuse aspect and the</p> <p>9 potential diverter reselling aspect that initiated the</p> <p>10 case.</p> <p>11 Q. Okay. So do you recall asking her questions</p> <p>12 about how many purchases that she had made?</p> <p>13 A. How many purchases?</p> <p>14 Q. How many purchases exceeding the purchase</p> <p>15 limit.</p> <p>16 A. I don't recall that specifically.</p> <p>17 Q. Did the 65,000 also include shoes?</p> <p>18 A. I don't recall the individual items.</p> <p>19 Q. Would it have included all items purchased in</p> <p>20 the Chanel department including shoes?</p> <p>21 MS. TIERNEY: Object to the form. You</p> <p>22 may answer.</p> <p>23 THE WITNESS: I would say yes. I don't</p> <p>24 recall there being any other items, but it's potentially</p> <p>25 shoes as well.</p>	<p>Page 58</p> <p>1 the department of the 59th Street store to a known</p> <p>2 diverter?</p> <p>3 MS. TIERNEY: What time frame, Counsel?</p> <p>4 MS. MENDOZA: During that time period to</p> <p>5 present.</p> <p>6 MS. TIERNEY: I'm going to object to the</p> <p>7 form. Otherwise you can answer.</p> <p>8 THE WITNESS: I would say yes.</p> <p>9 BY MS. MENDOZA:</p> <p>10 Q. Right. And I'm asking to your knowledge from</p> <p>11 your team if you know.</p> <p>12 MS. TIERNEY: Object to the form.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q. Is your answer still yes?</p> <p>15 A. My team including the central team and the</p> <p>16 larger investigation, yes.</p> <p>17 Q. Yes, okay. So how did you know that that</p> <p>18 diverter had items purchased from that Chanel</p> <p>19 department?</p> <p>20 A. Because the employees involved admitted</p> <p>21 selling them to them for that specific reason.</p> <p>22 Q. Besides that, how else do you know?</p> <p>23 A. I wasn't conducting the majority of those</p> <p>24 investigations, so I don't know if there's any more</p> <p>25 detail. I know that in the other employee</p>
<p>Page 57</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q. How do you prove -- withdrawn. Has your team</p> <p>3 found that some employees are resellers?</p> <p>4 A. Yes.</p> <p>5 Q. And how did you come to that conclusion?</p> <p>6 A. There's various methods of reselling.</p> <p>7 There's selling to a known diverter, someone who</p> <p>8 resells. There's been, and I don't recall specific</p> <p>9 names, but people that have resold on eBay or the</p> <p>10 Poshmarks of the world which would be a form of</p> <p>11 reselling so looking at those different outlets and if</p> <p>12 they're involved in any of that activity.</p> <p>13 Q. So as far as the reseller decides to -- a</p> <p>14 known diverter, how do you know that someone is a</p> <p>15 diverter? How do you establish that?</p> <p>16 A. It depends on the person, but looking if they</p> <p>17 have a website, if they're buying multiple items from</p> <p>18 our store and then reselling them on their personal</p> <p>19 website or if they have a store front that they</p> <p>20 advertise and they're selling merchandise that they've</p> <p>21 purchased from us.</p> <p>22 Q. So are you saying that -- I'm asking if any</p> <p>23 employee has sold an item from the Chanel department to</p> <p>24 a known diverter and if it's known because -- withdrawn.</p> <p>25 Has any employee sold an item from the Chanel store --</p>	<p>Page 59</p> <p>1 investigations there were specific resellers that came</p> <p>2 to light that employee admitted to selling some of which</p> <p>3 involved the fraud.</p> <p>4 Q. Okay. So does your team or any -- withdrawn.</p> <p>5 Is part of the investigation to go to these stores and</p> <p>6 find out if those items are actually from the Chanel</p> <p>7 department of the flagship store?</p> <p>8 MS. TIERNEY: I'm going to object to the</p> <p>9 form. You can answer, Chris.</p> <p>10 THE WITNESS: It wouldn't be the normal</p> <p>11 course of business unless we were working with</p> <p>12 potentially a law enforcement agency. Our job usually,</p> <p>13 at least my team's job, ends with the employee</p> <p>14 investigation. Whether the central team was working</p> <p>15 with law enforcement, there are times when you will look</p> <p>16 for the serial numbers, that kind of thing. If law</p> <p>17 enforcement wants to go into the potential reseller's</p> <p>18 location and match some of those things, it's possible.</p> <p>19 I do not know if this happened in this</p> <p>20 case because my team focused on the internal aspect.</p> <p>21 And once somebody would admit to doing whatever act or</p> <p>22 indiscretion they were doing, we would not go trace that</p> <p>23 bag. If they said I did it, that's where our</p> <p>24 investigation ends. So anything beyond that that the</p> <p>25 central team did I'm not aware of.</p>

<p>Page 60</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q. And you said serial numbers. Are you talking</p> <p>3 about the Chanel authenticity card?</p> <p>4 A. If that's what it's called, yeah.</p> <p>5 Q. Was there another name? Is there any</p> <p>6 other --</p> <p>7 A. I'm not aware of any other number. They have</p> <p>8 the authenticity card.</p> <p>9 Q. And during Kristina's employment, at that</p> <p>10 time there were Chanel authenticity cards, correct?</p> <p>11 A. I believe so, yes.</p> <p>12 Q. So after Kristina -- after your investigation</p> <p>13 with Kristina, what happened -- withdrawn. After your</p> <p>14 interview, then what did you do next with her</p> <p>15 investigation findings?</p> <p>16 A. Because there was an admission of some</p> <p>17 violation in this case, shipping to avoid the New York</p> <p>18 State tax, we suspended Kristina after partnering with</p> <p>19 Richard. He couldn't give a disposition on the case</p> <p>20 immediately. I don't remember if they were in a meeting</p> <p>21 or something, but he would have been forwarded the</p> <p>22 information. She would have been suspended by myself</p> <p>23 and instructed that she would be informed within a</p> <p>24 certain time frame by HR not to return to work until HR</p> <p>25 reached out with a final disposition on the case.</p>	<p>Page 62</p> <p>1 may answer.</p> <p>2 MS. MENDOZA: I'll restate it. I'll</p> <p>3 elaborate.</p> <p>4 BY MS. MENDOZA:</p> <p>5 Q. Did customers also ship to states that they</p> <p>6 wouldn't have had to pay tax instead of taking it home</p> <p>7 and paying the tax today at the time of purchase?</p> <p>8 MS. TIERNEY: Object to the form. You</p> <p>9 can answer.</p> <p>10 THE WITNESS: There's -- yes, there's a</p> <p>11 possibility that they do.</p> <p>12 BY MS. MENDOZA:</p> <p>13 Q. And were those customers sent to law</p> <p>14 enforcement?</p> <p>15 A. Again, I focus on the employee issues. Part</p> <p>16 of the larger investigation that had been ongoing, part</p> <p>17 of the initial conversation with Kristina was around</p> <p>18 fraud and diverters, and that is part of the way they</p> <p>19 operate would be to ship things to various other places.</p> <p>20 Q. Right. But I'm saying once Kristina</p> <p>21 explained to you this is why I'm sending to these</p> <p>22 addresses, then is that when you determined that she was</p> <p>23 paying -- she was shipping it to avoid paying tax, New</p> <p>24 York State tax?</p> <p>25 A. I determined she was doing it to avoid</p>
<p>Page 61</p> <p>1 Q. So did you do anything else after that, after</p> <p>2 giving it to Richard?</p> <p>3 A. I might have answered questions he had or if</p> <p>4 someone in central had questions about that or the</p> <p>5 larger investigation but not directly with Kristina, no.</p> <p>6 Q. Okay. So is it possible -- withdrawn. If</p> <p>7 Kristina is saying that she's shipping out of state</p> <p>8 these gifts to states where she wouldn't have to pay the</p> <p>9 tax versus taking it home today, paying the tax</p> <p>10 unnecessarily, is that what you consider to be avoiding</p> <p>11 taxes?</p> <p>12 MS. TIERNEY: I'm going to object to the</p> <p>13 form. You may answer.</p> <p>14 THE WITNESS: I consider the fact that</p> <p>15 she stated that she was doing it to avoid taxes, like</p> <p>16 they meaning her and her peers did for customers, the</p> <p>17 infraction.</p> <p>18 BY MS. MENDOZA:</p> <p>19 Q. So did customers do the same thing?</p> <p>20 A. That's what she stated, yes. She stated --</p> <p>21 Q. You can finish.</p> <p>22 A. She stated that she did it to avoid the taxes</p> <p>23 like they do for customers.</p> <p>24 Q. Okay. And did customers do that?</p> <p>25 MS. TIERNEY: Object to the form. You</p>	<p>Page 63</p> <p>1 New York State tax because she stated she was doing it</p> <p>2 to avoid New York State tax like they do for customers.</p> <p>3 Q. Right. So was there anything wrong in what</p> <p>4 she was doing?</p> <p>5 MS. TIERNEY: Object to the form. You</p> <p>6 may answer.</p> <p>7 THE WITNESS: She admitted to doing it to</p> <p>8 evade taxes, to avoid paying taxes which I'm not an</p> <p>9 attorney, but I believe that is legally not allowed.</p> <p>10 BY MS. MENDOZA:</p> <p>11 Q. And did you ask an attorney -- withdrawn.</p> <p>12 Did you -- how did you determine that it was not allowed</p> <p>13 or that it's illegal?</p> <p>14 A. I didn't determine that it was illegal other</p> <p>15 than she stated it was, and the information was passed</p> <p>16 on to HR who does the final disposition.</p> <p>17 Q. So did you determine -- I just want to be</p> <p>18 clear I understand your response. Did you determine</p> <p>19 that what she was doing was illegal?</p> <p>20 MS. TIERNEY: Objection.</p> <p>21 THE WITNESS: I personally --</p> <p>22 MS. TIERNEY: Go ahead, Chris.</p> <p>23 THE WITNESS: I personally did not</p> <p>24 determine it was illegal.</p> <p>25 BY MS. MENDOZA:</p>



<p>Page 64</p> <p>1 Q. Okay. And after you sent it to Richard, was</p> <p>2 there any suspicion that she was still a diverter or</p> <p>3 reseller?</p> <p>4 A. Suspicion? I think that the suspicion was</p> <p>5 that she was sending to places where diverters were</p> <p>6 known to be, and there were other associates that sent</p> <p>7 to those same diverters.</p> <p>8 Q. And so you're saying -- so she was sending to</p> <p>9 an address, right, that was -- you're saying that that</p> <p>10 address -- those addresses were known diverters. Is</p> <p>11 that correct?</p> <p>12 A. I believe they were associated with a name</p> <p>13 that we knew as a diverter.</p> <p>14 Q. And how did you know that that was a</p> <p>15 diverter?</p> <p>16 A. Because eventually other associates had</p> <p>17 admitted that they were sending to a diverter.</p> <p>18 Q. And just to be clear, so if a diverter could</p> <p>19 be -- withdrawn. Could it be that someone was sending</p> <p>20 to the same address to avoid paying the New York State</p> <p>21 tax?</p> <p>22 MS. TIERNEY: Object to the form.</p> <p>23 THE WITNESS: Is it possible?</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. Yes.</p>	<p>Page 66</p> <p>1 investigation? Were you conducting an investigation</p> <p>2 into Kristina's purchases?</p> <p>3 A. No.</p> <p>4 Q. Why not?</p> <p>5 A. Because we do the interview or the</p> <p>6 conversation at the end of the investigation. We had</p> <p>7 gotten what we felt was all the information she was</p> <p>8 going to willingly give us. So we turned it over to HR</p> <p>9 for the final disposition, and we had the documentation</p> <p>10 that we had available. If there was more to</p> <p>11 investigate, we would have spoken to her prior to</p> <p>12 completing the investigation.</p> <p>13 Q. At that time did you ask her about the</p> <p>14 65,000, where she was getting the money from?</p> <p>15 A. I believe so, yes.</p> <p>16 Q. And when she told you that other people were</p> <p>17 doing the same thing, did you investigate those other</p> <p>18 people?</p> <p>19 A. We were already aware with our central</p> <p>20 partners that there were multiple associates involved,</p> <p>21 so if she said there were other people, I probably would</p> <p>22 have told her we're aware of that but we're talking</p> <p>23 about your involvement.</p> <p>24 Q. But if the manager -- did she say if the</p> <p>25 managers told her she could do it?</p>
<p>Page 65</p> <p>1 A. It's possible, yes, but they also admitted</p> <p>2 sending to a diverter.</p> <p>3 Q. Okay. And when you say diverter, is that</p> <p>4 synonymous with a reseller?</p> <p>5 A. Yes.</p> <p>6 Q. So was there any proof that that person was a</p> <p>7 reseller?</p> <p>8 A. Not that I investigated. That would have</p> <p>9 been part of the bigger central investigation.</p> <p>10 Q. So do you know before you left that location</p> <p>11 at any point did you learn if that person was a known</p> <p>12 diverter or reseller?</p> <p>13 A. I didn't see any direct evidence other than</p> <p>14 the fact that they sold the type of merchandise and that</p> <p>15 the other associates involved said they were selling</p> <p>16 them to a known reseller.</p> <p>17 Q. Was one of those people Angy Lee?</p> <p>18 A. Angy Lee I believe was one of the associates</p> <p>19 involved.</p> <p>20 Q. Do you recall if she was one of the people</p> <p>21 that said that it was to a known reseller?</p> <p>22 A. I think I saw it in the notes at some point,</p> <p>23 yes.</p> <p>24 Q. We'll come back to her. So after you left --</p> <p>25 or after you gave it to Richard, was there still an</p>	<p>Page 67</p> <p>1 A. I do not recall her stating that. And can</p> <p>2 you clarify that the manager said she could do what?</p> <p>3 Q. To ship out of state to avoid -- instead of</p> <p>4 having to pay New York State tax you can ship the item.</p> <p>5 A. I don't recall her saying that, no.</p> <p>6 Q. And did you ask the manager about what she</p> <p>7 had stated which is that if you could ship out of state</p> <p>8 instead of paying the New York State tax?</p> <p>9 A. I don't recall asking the managers</p> <p>10 specifically about that.</p> <p>11 Q. Was there any training done afterwards</p> <p>12 pertaining to that?</p> <p>13 MS. TIERNEY: Object to the form. You</p> <p>14 can answer.</p> <p>15 THE WITNESS: I do not recall</p> <p>16 specifically. I was not involved in that aspect of it.</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q. And why not?</p> <p>19 A. Why wasn't I involved in the training aspect?</p> <p>20 Q. Yes.</p> <p>21 A. Because we have other people in the</p> <p>22 department that focused on training and awareness and</p> <p>23 that probably would have been part of their focus rather</p> <p>24 than the internal team.</p> <p>25 Q. Do you know the names of those people?</p>

<p>Page 68</p> <p>1 A. I don't recall all of their names. There was 2 a handful of people that work for one of the other asset 3 protection managers. I don't recall which asset 4 protection manager. It might have been David Ray at 5 that point oversaw the awareness team, but I don't 6 recall specifically.</p> <p>7 Q. So when you -- withdrawn. Is there a policy 8 for -- withdrawn. Did Kristina state that she didn't 9 know there wasn't -- that there was a policy that she 10 could not ship her gifts out of state instead of -- to 11 avoid paying the New York State tax?</p> <p>12 MS. TIERNEY: Object to the form. You 13 can answer.</p> <p>14 THE WITNESS: I don't recall her stating 15 that.</p> <p>16 BY MS. MENDOZA:</p> <p>17 Q. Did she say if she was purchasing items for 18 herself and shipping them out of state to avoid paying 19 New York State tax?</p> <p>20 A. I believe she said she made purchases for 21 herself and her family.</p> <p>22 Q. Okay.</p> <p>23 A. Or friends, family and friends.</p> <p>24 Q. Okay. All right, so we'll pull up the 25 BLM888.</p>	<p>Page 70</p> <p>1 with you on that date?</p> <p>2 MS. TIERNEY: Object to the form. You 3 may answer.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. MENDOZA:</p> <p>6 Q. And where in this document does it say that 7 she was shipping items for herself to avoid paying 8 taxes?</p> <p>9 A. It says about halfway down, I made the 10 purchases now to get the best discount I could. The 11 purchases were all for myself or gifts.</p> <p>12 Q. Right. So part of what was discussed at the 13 top it says, right, I made -- well, we'll start with the 14 top what she says. My name is Kristina Mikhaylova. I 15 have worked in Bloomingdale's since May 2016. Today I 16 had a conversation with Chris and Shanine regarding 17 issues with my Bloomingdale's account. We discussed 18 that there is an excessive amount of purchases. So, 19 again, you were inquiring about what her purchases were, 20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. And some of her purchases were not shipped 23 out of state, correct?</p> <p>24 A. Correct.</p> <p>25 Q. So in February we found out that we will be</p>
<p>Page 69</p> <p>1 MS. TIERNEY: The Bates Number 888 is 2 what you're looking at?</p> <p>3 MS. MENDOZA: Yes.</p> <p>4 MS. TIERNEY: It's Exhibit 2?</p> <p>5 MS. MENDOZA: Yes.</p> <p>6 MS. TIERNEY: And is it a one-page 7 exhibit?</p> <p>8 MS. MENDOZA: Yes. 9 (Plaintiff's Exhibit 2 marked for 10 identification)</p> <p>11 BY MS. MENDOZA:</p> <p>12 Q. So once the document's up, if you can just 13 make sure you read through the entire document and then 14 let me know when you're done with regard to Plaintiff's 15 Exhibit 2.</p> <p>16 MS. TIERNEY: Are you able to read it, 17 Chris?</p> <p>18 THE WITNESS: Um-hum.</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q. So where in the document does it say -- well, 21 withdrawn. This is a statement from Kristina. It says 22 at the top June 6, 2017, 1:48 p.m., right, that's what 23 it says at the top?</p> <p>24 A. Correct.</p> <p>25 Q. And is this the statement that Kristina wrote</p>	<p>Page 71</p> <p>1 going leased and as of that the discount will not be as 2 good. I made the purchases now to get the best discount 3 I could. The purchases were all for myself or gifts. 4 You see that there, right?</p> <p>5 A. Um-hum.</p> <p>6 Q. Is she referring to discount abuse as in -- 7 withdrawn. Is she referring to a violation of the 8 handbag or the purchase limit?</p> <p>9 MS. TIERNEY: Object to form.</p> <p>10 THE WITNESS: At that point she's just 11 saying she bought them for herself or as gifts.</p> <p>12 BY MS. MENDOZA:</p> <p>13 Q. Okay. So do you recall during the 14 conversation with her if she was -- if it was discussed 15 that she was potentially exceeding the handbag limit or 16 purchase limit?</p> <p>17 A. I believe she goes on to say that she never 18 took reimbursement which is a reference to discount 19 abuse.</p> <p>20 Q. Right. That doesn't answer my question.</p> <p>21 MS. TIERNEY: Object to the tone.</p> <p>22 THE WITNESS: I don't recall there being 23 a dialogue about the number of bags purchased as much as 24 where the money was coming from in reference to discount 25 abuse.</p>

<p>Page 72</p> <p>1 MS. MENDOZA: And there is no tone, 2 Counselor. I just want to make sure I understand what 3 was discussed that day with -- 4 MS. TIERNEY: And you're entitled to say 5 that. But I heard a tone. I thought it was pretty 6 sharp. And it's getting argumentative. And I think we 7 need to focus on facts and not the arguments. That's 8 for a summary judgment motion. 9 MS. MENDOZA: Let's continue. So if we 10 can just read back, please, Beth, right where 11 Ms. Tierney said my tone, before that, the question that 12 was asked -- or the response and then the question 13 before that. 14 (The referred-to portion of the testimony 15 was read back by the court reporter.) 16 BY MS. MENDOZA: 17 Q. So going back to my question, when you -- 18 prior to interviewing Kristina what was your 19 understanding -- what was the investigation findings at 20 that point? 21 MS. TIERNEY: Object to the form. You 22 may answer. 23 THE WITNESS: Based on the investigation, 24 we were looking at potential discount abuse, potential 25 reselling, and on the periphery the shipping indicated</p>	<p>Page 74</p> <p>1 MS. MENDOZA: Yes. 2 BY MS. MENDOZA: 3 Q. All right. Just take a moment to look 4 through those two documents and let me know when you're 5 done. And if you want to see anything more, that's 6 fine. 7 A. Okay. 8 Q. So before when we -- I was discussing the 9 software is this document here, BLM000884 to 885, is 10 that the software that you used to keep track of the 11 investigation into Kristina's purchases? 12 A. Yeah. That was our basic case management 13 system. 14 Q. And you don't recall the name of it, though, 15 right, if it had a name? 16 A. No, I don't. 17 Q. Okay. And if you turn to 885, it says, 18 investigative resources there. Do you see that? 19 A. Um-hum. 20 Q. Okay. What is -- it says, initiated by - 21 category, central investigation partner/fraud/ORC. What 22 is ORC the abbreviation for? 23 A. Organized retail crime. 24 Q. And was that a team in your department? 25 A. The organized retail crime refers to any</p>
<p>Page 73</p> <p>1 more towards the diverter issue that we were concerned 2 about, the reselling issue. But there was also an 3 implication to the tax avoidance. 4 BY MS. MENDOZA: 5 Q. Okay. And so part of the discount abuse is 6 investigating the number of purchases made, correct? 7 A. We would look at her overall purchases. If 8 you mean the specific number of bags that were 9 purchased -- 10 Q. No, no. 11 A. -- in reference, we would look at her 12 purchases. 13 Q. Right, okay. And so then how you determine 14 if it's discount abuse is if she's taking -- if she's 15 seeking reimbursement for the purchases, correct? 16 A. Yes. 17 Q. Okay. So we can move on. 18 MS. MENDOZA: Actually if we can go off 19 the screen, we can mark this as Plaintiff's Exhibit 3. 20 (Plaintiff's Exhibit 3 marked for 21 identification) 22 MS. TIERNEY: What Bates numbers are you 23 marking as 3, Counsel? 24 MS. MENDOZA: It's 884, my apologies. 25 MS. TIERNEY: And 5?</p>	<p>Page 75</p> <p>1 organized group doing retail crime such as fraud, theft 2 rings. So our central investigation partners are one 3 group. Fraud and ORC were two other categories that 4 helped initiate the investigation. So the initial 5 investigation was part of that larger investigation into 6 the proprietary credit card fraud where we initially 7 interviewed Kristina. That fraud would be considered 8 organized retail crime. 9 Q. And then underneath that it says, assisted by 10 - category CCTV. What is that an abbreviation for? 11 A. Closed circuit television, the camera system. 12 Q. And what does that mean? 13 A. Our camera systems within 59th Street were 14 used to identify transactions, to watch transactions to 15 see what goes on around the store. So during the 16 investigation, we used our camera system. That's what 17 assisted by - category means. 18 Q. Understood. And then underneath that, the 19 narrative, is that -- did you put -- input this 20 information there? 21 A. Yes. 22 Q. Okay. And it says, during -- if you look at 23 the third line down, during review of Mikhaylova's 24 purchase history (Bloomingdale's account review Loyalist 25 account review and personal credit card review) it was</p>



<p>1 determined that Mikhaylova had made 26 employee  2 purchases from 10/16 to 4/21/17 totaling 65,988. Do you  3 see that there?  4 A. I do.  5 Q. So that -- looking at those accounts, was  6 that done by the asset protection team?  7 A. I believe MCCS provided the overall  8 information, and then we drilled down looking at her  9 Bloomingdale's account, her Loyalist account to verify  10 and review those purchases.  11 Q. And why during that specific time period?  12 A. Because that's when there was the spike in  13 purchasing that they were concerned about.  14 Q. And was it documented anywhere that that was  15 what MCCS was looking at?  16 A. I believe there were e-mails about that and a  17 file containing the -- at least a brief purchase  18 history --  19 Q. Okay.  20 A. -- that documented the concerns.  21 Q. Okay. Was it typical -- withdrawn. So if  22 MCCS is looking for a longer time period, right, if it  23 looks at a year for another employee, it could be the  24 same amount, right?  25 MS. TIERNEY: Object to the form. You</p>	<p>Page 76</p>	<p>1 they were running a report that her along with other  2 employees ended up at the top of that report as a red  3 flag, so they forwarded that information for  4 investigation.  5 BY MS. MENDOZA:  6 Q. Okay. All right, we'll come back to this. I  7 think -- and this isn't argumentative. I just -- I want  8 to be clear because I think at the time wasn't Kristina  9 being investigated for her transactions as ringing up as  10 well as her purchases on her Bloomingdale's account? Is  11 that correct?  12 MS. TIERNEY: Object to the form. You  13 can answer.  14 THE WITNESS: Can you repeat that.  15 BY MS. MENDOZA:  16 Q. Yes. Was she being investigated for --  17 withdrawn. In February 2017 you said that there was a  18 larger fraud investigation done that involved Kristina's  19 transactions that she was ringing out, correct?  20 A. That was the initial investigation, yes.  21 Q. And so in May that investigation was still  22 ongoing, correct?  23 A. The larger investigation?  24 Q. Yes.  25 A. I'm not sure if it was still ongoing, but it</p>	<p>Page 78</p>
<p>1 can answer.  2 THE WITNESS: I assume, yes.  3 Hypothetically you could look at any time frame and find  4 a similar amount if you were to say year or two years,  5 or.  6 BY MS. MENDOZA:  7 Q. Right. So did they -- in your experience did  8 MCCS look at various time periods for employees to  9 determine if there was a high amount?  10 MS. TIERNEY: Object to the form. You  11 can answer.  12 THE WITNESS: I do not work for or really  13 with MCCS. I just know that when they have a perceived  14 concern they will forward it to us, the bigger asset  15 protection department, to investigate. So I don't know  16 how they run the reports.  17 BY MS. MENDOZA:  18 Q. But did you have in your experience MCCS send  19 you a report for another employee for a high amount?  20 MS. TIERNEY: I'm going to object to the  21 form.  22 THE WITNESS: I believe they may have  23 pulled for a number of the employees. I don't recall  24 specifically who that might have involved. But they  25 were not specifically looking at Kristina. I believe</p>	<p>Page 77</p>	<p>1 had gone on for an extended period beyond our  2 conversation with Kristina.  3 Q. Okay.  4 MS. MENDOZA: So let's pull up 1456 to  5 1485.  6 MS. TIERNEY: I'm sorry, what were those  7 Bates numbers, Counsel?  8 MS. MENDOZA: 1456 to 1485.  9 (Plaintiff's Exhibit 4 marked for  10 identification)  11 (Discussion held off the record)  12 MS. TIERNEY: Chris, you should look  13 through this whole exhibit.  14 BY MS. TIERNEY:  15 Q. So what I'm trying to understand is at the  16 time -- my previous question was at the time that  17 Kristina was interviewed in June was she being  18 investigated for the initial fraud February  19 investigation?  20 A. She was not specifically being investigated.  21 We had -- the larger investigation started to grow  22 actually after we had interviewed Kristina for the  23 initial fraud part. So she was still on the periphery  24 of that, but we had interviewed her for the fraud  25 pertaining to some of this information prior to this</p>	<p>Page 79</p>

<p>1 e-mail.</p> <p>2 Q. Okay. And so -- but the fraud part has to do</p> <p>3 with her purchases or her -- her purchases meaning her</p> <p>4 Bloomingdale's account or is that separate from her --</p> <p>5 A. That's separate.</p> <p>6 Q. -- ringing up transactions?</p> <p>7 A. That's separate. The fraud part has to do</p> <p>8 with diverters and an out -- external group that were</p> <p>9 compromising our proprietary cards, our Bloomingdale's</p> <p>10 cards, and doing large amounts of fraudulent purchases</p> <p>11 and having them sent to various locations.</p> <p>12 Q. So BLM1462 if we can go there, this is an</p> <p>13 e-mail from Abraham Gonzalez?</p> <p>14 A. Um-hum.</p> <p>15 Q. And who is that?</p> <p>16 A. He was one of our central partners in asset</p> <p>17 protection.</p> <p>18 Q. Did you report to him, or did you work</p> <p>19 together?</p> <p>20 A. No. I reported to Fred at 59th Street. Abe</p> <p>21 was a central partner that you could call as peers. He</p> <p>22 worked for -- on the corporate central side. I was in</p> <p>23 the store.</p> <p>24 Q. And so the -- if you look at cc -- who's cc'd</p> <p>25 on the e-mail, it's Chad McIntosh, right?</p>	<p>Page 80</p> <p>1 Q. And Abraham says that for -- in all Macy's,</p> <p>2 Inc. for 2017. This is June 1st, 2017. Did you</p> <p>3 typically -- was it typically conducted in the middle of</p> <p>4 the year to see the highest fraud store sends?</p> <p>5 A. Not by myself. I don't know what central</p> <p>6 did, but I believe this was forwarded from our partners</p> <p>7 at MCCS or one of those.</p> <p>8 Q. And this is again not her purchases on her</p> <p>9 Bloomingdale's account, these are what she was ringing</p> <p>10 up, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And then it says, you can tell it's fraud</p> <p>13 because the addresses and phone numbers come back to</p> <p>14 different folks as do the card numbers. Do you see that</p> <p>15 there?</p> <p>16 A. Yes.</p> <p>17 Q. So those addresses that were being</p> <p>18 investigated were those the same addresses that she was</p> <p>19 sending to in her Bloomingdale's account -- with her</p> <p>20 Bloomingdale's account?</p> <p>21 A. I don't recall. This was -- I don't recall</p> <p>22 specifically what addresses. There were numerous</p> <p>23 accounts and addresses.</p> <p>24 Q. So at any point did the two conflate I guess</p> <p>25 the purchases that she was making with her</p>
<p>Page 81</p> <p>1 A. Yes.</p> <p>2 Q. Who is that?</p> <p>3 A. Chad was the VP of asset protection.</p> <p>4 Q. And Peter C-h-i-e?</p> <p>5 A. Chie. Peter was the -- I don't recall his</p> <p>6 title. He was Chad's second in command I guess you</p> <p>7 would say. I don't remember his title. Gina, Kaitlin,</p> <p>8 and Abe were all part of the central team. They were</p> <p>9 central investigations.</p> <p>10 Q. Okay. So these are all people in asset</p> <p>11 protection, correct?</p> <p>12 A. Other than Fred and myself, yes -- well, yes,</p> <p>13 they're all central investigations or AP. Fred and</p> <p>14 myself were store.</p> <p>15 Q. Right, okay. And then at the bottom there it</p> <p>16 says, Chris, Fred. This is from Abraham to you and to</p> <p>17 Fred Becker dated June 1st, 2017, I've attached a</p> <p>18 spreadsheet with information pertaining to three</p> <p>19 individuals at 59th Street that contribute to 35 percent</p> <p>20 of all fraud store sends. And it says that Associate</p> <p>21 72061886 is the highest fraud store send associate in</p> <p>22 all of Macy's, Inc. for 2017.</p> <p>23 A. Okay.</p> <p>24 Q. Was 72061886 is that Kristina?</p> <p>25 A. Yes.</p>	<p>Page 83</p> <p>1 Bloomingdale's account with the items that she was</p> <p>2 ringing up? Did those two ever -- like I said, did they</p> <p>3 come together at one point?</p> <p>4 A. I don't recall there being a connection.</p> <p>5 Q. And so it says 72061886 might have</p> <p>6 disregarded process to make a sale but we would not --</p> <p>7 we would not know without an interview. Can we verify</p> <p>8 that 72061886 was following the correct process? Do you</p> <p>9 see that there?</p> <p>10 A. Um-hum.</p> <p>11 Q. So is that what you did, meet with your --</p> <p>12 A. We actually did that prior to this e-mail</p> <p>13 being sent, yes.</p> <p>14 Q. Was that the February?</p> <p>15 A. Yes.</p> <p>16 Q. So then at that point in time that 90,000 --</p> <p>17 what happened after -- well, withdrawn. If you already</p> <p>18 did that, then what happened after you informed Abraham</p> <p>19 that that was already investigated?</p> <p>20 A. I think one of -- either my investigators or</p> <p>21 central investigators continued to look at some of the</p> <p>22 other people involved.</p> <p>23 Q. So then this -- I'm sorry, go ahead.</p> <p>24 A. Go ahead. No, that's fine.</p> <p>25 Q. No, please finish. What were you saying?</p>

<p>Page 84</p> <p>1 A. I was just saying, like I said, we had 2 interviewed Kristina for this information in the initial 3 investigation, the initial conversation, but she would 4 still be in the periphery as you can see they had more 5 information they were documenting. 6 Q. So but at that point in time that 90,000 did 7 it have any significance? 8 MS. TIERNEY: Objection. 9 THE WITNESS: It was the number one 10 person in Macy's, Inc. for write-off which is money we 11 lost for fraudulent activity. 12 BY MS. TIERNEY: 13 Q. And so then did you have a conversation with 14 her about that after? 15 A. Not after because she had answered the 16 questions that this posed, so we weren't going to 17 reinterview her unless additional information came 18 forward. As Abe stated there, she may be disregarding 19 policy or the correct process. She had already answered 20 those questions. 21 Q. And was she found to have been disregarding 22 process or policy? 23 A. Not according to the information we had, no. 24 MS. MENDOZA: All right, we can stop 25 here.</p>	<p>Page 86</p> <p>1 discount. Do you see that there? 2 A. Yes, correct. 3 Q. So again this is going to -- was she stating 4 that she was not -- was she stating there that she had 5 made those purchases for herself because of the 6 discount? 7 MS. TIERNEY: Object to the form. You 8 can answer. 9 THE WITNESS: She stated she was making 10 the purchases because they were going to be leased. 11 They were not going to be a Bloomingdale's-owned 12 merchandise shop, they would be a leased shop. And 13 under the lease agreement it seemed she was saying their 14 discount would not be as good as the Bloomingdale's 15 employee discount. 16 BY MS. MENDOZA: 17 Q. And then after that it says she did admit 18 that she was shipping the merchandise to friends out of 19 state to avoid the New York State sales tax which 20 employees always do for customers. Do you see that 21 there? 22 A. Yes. 23 Q. And so that going back to my previous 24 question in the statement there she did not state that 25 she was making -- she was shipping purchases out of</p>
<p>Page 85</p> <p>1 (Recess taken) 2 BY MS. MENDOZA: 3 Q. So going back to Exhibit -- Plaintiff's 4 Exhibit 3 I think it was we determined. Let's go back 5 to that. If we go to 885, please. So looking at the 6 narrative part -- section from you, Christopher. 7 A. I have to scroll down more? 8 Q. Yes. I'm looking at the 26 employee 9 purchases part from 10/16 to 4/21/2017 totaling 65,988. 10 So that came from MCCS. Is that correct? 11 A. Along with our review, yes. 12 Q. And, again, that -- the amount is before or 13 after the discount? 14 A. I would assume after the discount, that 15 that's the total spent. 16 Q. And then it states, if you keep going down, 17 during the conversation where it says API Shanine Gray, 18 during the conversation, Ms. Mikhaylova denied using her 19 discount stating that she paid for all of the 20 merchandise and never received any reimbursement of any 21 kind. Do you see that? 22 A. Um-hum. 23 Q. And then it states, she also stated that she 24 bought most of the merchandise for herself as the Chanel 25 shop was going leased and she would not have as good a</p>	<p>Page 87</p> <p>1 state for herself, right? 2 MS. TIERNEY: I'm going to object to the 3 form. You can answer that. 4 THE WITNESS: Could you ask the question 5 again. 6 BY MS. MENDOZA: 7 Q. Yes. In that sentence she's not stating that 8 she was shipping -- in that sentence she's stating -- 9 withdrawn. In that sentence she's stating that she was 10 shipping the merchandise out of state for friends to 11 avoid the New York State sales tax, right? 12 A. She was shipping it to friends to avoid the 13 sales tax, yes. 14 Q. Right. But she doesn't say there that she 15 was making the purchases for herself, correct? 16 MS. TIERNEY: Object to the form. 17 THE WITNESS: It was one continuous 18 thought that she bought most of the merchandise for 19 herself and shipped it to friends to avoid New York 20 State sales tax. 21 BY MS. MENDOZA: 22 Q. Is that considered discount abuse? 23 A. No. 24 Q. Okay. So discount abuse was for exceeding 25 the amount of -- withdrawn. Discount abuse would have</p>

<p>Page 88</p> <p>1 been for making too many purchases with the discount. 2 Is that correct? 3 MS. TIERNEY: Object to the form. 4 THE WITNESS: No. 5 BY MS. MENDOZA: 6 Q. Can you explain what the discount abuse 7 aspect was? 8 A. Discount abuse is when -- 9 MS. TIERNEY: Object to the form. You 10 may -- now you may answer, Chris, sorry. 11 THE WITNESS: Discount abuse is when you 12 make purchases using your personal Bloomingdale's 13 discount and getting reimbursed for it. 14 BY MS. MENDOZA: 15 Q. Okay. And she was not doing that here, 16 correct? 17 MS. TIERNEY: Objection. You can answer, 18 Chris. Go ahead. 19 THE WITNESS: That's what she stated. 20 BY MS. MENDOZA: 21 Q. Okay. And did you find that she was? 22 A. We had no direct proof that she had taken 23 reimbursement, so we did not find discount abuse as part 24 of the investigation. 25 Q. And so the part that she did admit that she</p>	<p>Page 90</p> <p>1 applying during your investigation into Kristina's 2 account? 3 A. Yes. 4 Q. And it says there at the bottom if you go 5 down, it is your responsibility to maintain your account 6 in good standing and to ensure you and your eligible 7 family members (referred to in this document as 8 authorized buyers) follow the associate discount policy. 9 So and the family members, could spouses and children 10 use the discount as well? 11 A. If they were listed as authorized users, yes, 12 I believe children up to the -- I'm not sure what age, 13 but if they were in college, I believe they could still 14 use it if you listed them as an authorized user. 15 Q. Okay. So then -- and when you say the 16 discount, is it that they had their own -- if they were 17 listed, did they have their own copy of the card, or was 18 it just that they were able to use the same card or same 19 discount? 20 A. I don't recall if they provided additional 21 cards or not. 22 Q. And then it says discount guidelines, to 23 qualify for the associate discount a purchase must be -- 24 do you see that line there -- must be for your personal 25 use, the personal use of an authorized buyer?</p>
<p>Page 89</p> <p>1 was shipping the merchandise to friends out of state to 2 avoid the New York State sales tax, is that discount 3 abuse? 4 A. No. That's tax fraud or tax evadance -- 5 avoidance, whatever you would like to label it. 6 MS. MENDOZA: Let's go to Bates stamp 7 1098 to 1110. 8 (Plaintiff's Exhibit 5 marked for 9 identification) 10 THE WITNESS: You'll have to zoom in a 11 little bit on that. 12 BY MS. MENDOZA: 13 Q. Take your time in reviewing the document in 14 its entirety and let me know when you're done. 15 A. Okay. 16 Q. So this here is Bates stamped if you look at 17 the bottom of it 1098, right? Do you see that there, 18 that's 1098, right? 19 A. Um-hum. 20 Q. So it says -- this is discount guidelines. 21 Is this the discount policy that was in effect during 22 Kristina's employment? 23 A. Yes, it appears to be. 24 Q. And is that the same policy that we were -- 25 that we've been discussing that you were using or</p>	<p>Page 91</p> <p>1 A. Yes. 2 Q. Or a bona fide gift, do you see that 3 bona fide? 4 A. I do. 5 Q. So is that -- a bona fide gift, that's what 6 Kristina said she was doing, correct? 7 A. That's what she told us, yeah. 8 Q. At any point was Kristina not allowed to use 9 her discount? 10 A. I believe that -- I believe the MCCS at some 11 point may have locked her account because of their 12 concern with how it was being used. 13 Q. Do you recall if that was around the 14 February 2017 investigation? 15 MS. TIERNEY: Object to the form. 16 THE WITNESS: I believe it was after 17 that. I think it was in conjunction with later on. 18 BY MS. MENDOZA: 19 Q. Do you recall if it was unblocked by MCCS? 20 A. I don't recall that part. 21 Q. If it was unblocked, what would that mean? 22 MS. TIERNEY: Object to the form. You 23 may answer. 24 THE WITNESS: If it was unblocked, it 25 would mean she could use it again.</p>



<p>Page 92</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q. So would it mean that any issues that they</p> <p>3 had found that those issues no longer exist?</p> <p>4 MS. TIERNEY: Object to the form. You</p> <p>5 may answer.</p> <p>6 THE WITNESS: I can't speak for MCCS, but</p> <p>7 I would say if they decided to unblock it their concerns</p> <p>8 may have been taken away. It doesn't necessarily mean</p> <p>9 there were no other concerns.</p> <p>10 BY MS. MENDOZA:</p> <p>11 Q. Right. And I asked in the sense of what you</p> <p>12 know in the investigation -- during your investigations</p> <p>13 if you knew that at a certain point MCCS would say we're</p> <p>14 going to block this account while you conduct your</p> <p>15 investigation. Did they ever do that?</p> <p>16 A. No. I believe it was blocked as -- prior to</p> <p>17 our investigation into the discount part we were not --</p> <p>18 we did not dictate it being blocked. It was blocked</p> <p>19 because of the activity on the card which was then sent</p> <p>20 to central I believe and possibly copied to us.</p> <p>21 MS. MENDOZA: Can we pull up Exhibit</p> <p>22 2040 -- not exhibit sorry, Bates stamp 2040.</p> <p>23 MR. GERBER: Excuse me, what exhibit</p> <p>24 number will this be?</p> <p>25 MS. TIERNEY: Would be 6.</p>	<p>Page 94</p> <p>1 that correct?</p> <p>2 A. Yes.</p> <p>3 Q. So why are there two separate documents</p> <p>4 called --</p> <p>5 MS. TIERNEY: Objection.</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q. -- a colleague discount? And if you know, if</p> <p>8 you don't know, that's fine, but if you know why there</p> <p>9 are two separate documents.</p> <p>10 A. I don't know for sure, but I think one may be</p> <p>11 used for Macy's and one may be used for Bloomingdale's.</p> <p>12 It's essentially the same document.</p> <p>13 Q. And when you -- withdrawn. Did asset</p> <p>14 protection check items before they were shipped to their</p> <p>15 destination?</p> <p>16 MS. TIERNEY: Object to the form. You</p> <p>17 can answer.</p> <p>18 THE WITNESS: Did asset protection, no,</p> <p>19 we did not specifically check all items. There was too</p> <p>20 high a volume.</p> <p>21 BY MS. MENDOZA:</p> <p>22 Q. Which items did you check?</p> <p>23 A. If there was anything checked, it was by</p> <p>24 another part of asset protection, and it would have been</p> <p>25 random.</p>
<p>Page 93</p> <p>1 (Plaintiff's Exhibit 6 marked for</p> <p>2 identification)</p> <p>3 MR. GERBER: That's what I thought.</p> <p>4 Thank you.</p> <p>5 MS. TIERNEY: Are there Bates numbers on</p> <p>6 this one?</p> <p>7 MS. MENDOZA: Yes, there are.</p> <p>8 MS. TIERNEY: I'm not seeing them.</p> <p>9 MS. MENDOZA: Right there, 2040.</p> <p>10 BY MS. MENDOZA:</p> <p>11 Q. Are you all done reading it, reviewing it?</p> <p>12 A. Yep.</p> <p>13 Q. Okay, great. So you see there at the top --</p> <p>14 bottom right hand corner, it's the first page there,</p> <p>15 BLM2040, Bates stamped BLM2040, and this is marked as</p> <p>16 Plaintiff's Exhibit 6.</p> <p>17 A. Okay.</p> <p>18 Q. At the top of that document it says, the</p> <p>19 colleague -- your colleague discount privileges. What</p> <p>20 was the colleague discount?</p> <p>21 A. I'm sorry?</p> <p>22 Q. What was the difference between the colleague</p> <p>23 discount versus what Kristina had -- was using?</p> <p>24 A. It's the same. It's the employee discount.</p> <p>25 Q. Okay. So then the two are synonymous. Is</p>	<p>Page 95</p> <p>1 MS. MENDOZA: And 61 to 66 if you could</p> <p>2 pull that up as the next exhibit. This will be marked</p> <p>3 Plaintiff's Exhibit 7 Bates stamped BLM61 to 66.</p> <p>4 (Plaintiff's Exhibit 7 marked for</p> <p>5 identification)</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q. Going to BLM 000063 it says, the associate</p> <p>8 discount. Do you see that there?</p> <p>9 A. Yes.</p> <p>10 Q. All right. The employee discount it talks</p> <p>11 about it there. And then the next part says, violations</p> <p>12 are serious and discount rules. Was this in the</p> <p>13 employee handbook during -- withdrawn. Was this the</p> <p>14 policy at the time of Kristina's employment?</p> <p>15 A. It appears to be, yes.</p> <p>16 Q. And was this the policy that you referred to</p> <p>17 during your investigation into Kristina's purchases?</p> <p>18 A. It would have been part of it, yes.</p> <p>19 Q. And it doesn't talk about shipping, correct?</p> <p>20 Is there any mention about shipping there?</p> <p>21 MS. TIERNEY: Object to the form.</p> <p>22 THE WITNESS: Shipping isn't part of the</p> <p>23 discount policy.</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. Right. But you're not -- it doesn't say that</p>

<p>1 you're not allowed to use the discount to ship items, 2 correct? 3 A. Correct, because shipping is not part of the 4 discount policy. Shipping is paid separately if there's 5 a shipping fee. 6 Q. And then at the bottom it says, who is 7 eligible, all Bloomingdale's employees are eligible for 8 an employee discount, in addition, your spouse and your 9 unmarried, dependent children. Is that fair? 10 A. Um-hum. 11 Q. So could an employee say I am purchasing this 12 for my husband, or did it have to be that -- or was it 13 that the husband or spouse had to make the purchase on 14 their own using the employee discount? 15 MS. TIERNEY: Object to the form. You 16 can answer. 17 THE WITNESS: An employee can buy 18 anything they want for anybody they want as long as they 19 paid for it, they were not reimbursed. That statement 20 is talking about an eligible dependent or a spouse 21 that's listed as -- a user can also use the account, but 22 as far as discount abuse is concerned, it's when an 23 employee receives reimbursement for purchases made for 24 someone else. 25 BY MS. MENDOZA:</p>	<p>Page 96</p>	<p>1 the transaction receipt but will be reflected as a 2 credit on the bill. See that there? 3 A. I'm trying to find it. 4 Q. Sorry, you're not looking at it. It's not 5 showing up. There it is, that last paragraph, employees 6 and dependents. 7 A. Okay, I see it. 8 Q. Okay. So during your investigation, did you 9 look at Kristina -- for the 65,000 was it looking at the 10 receipts, or was it looking at her bill for each month? 11 A. It was a combination of both through the MCCS 12 and our systems. 13 Q. But they would reflect the different amount 14 on each, correct? Based on this, wouldn't the 15 transaction receipts not include the discount but the 16 credit -- but the bill for each month would appear -- 17 would have the discount, correct? 18 A. That's what that's stating, I believe, yes. 19 Q. And do you recall if there was a difference 20 during your investigation that you found between the 21 two? 22 A. I don't recall. We were working mainly off 23 the numbers from the MCCS to determine the numbers. We 24 pulled the receipts to verify the transactions. We 25 didn't add up every transaction. We pulled all of her</p>	<p>Page 98</p>
<p>1 Q. I'm referring to the bottom portion, the who 2 is eligible, and so I just want to know if the -- if in 3 looking at a Bloomingdale's account, so, for example, if 4 you're looking at Kristina's account and there is 5 purchases on there, would it say the purchase was made 6 by the spouse who is an authorized buyer? 7 A. In looking at a transaction specifically? 8 Q. Yes. 9 A. No. It would be under her account. 10 Q. Okay. So all of it would show up that it was 11 as if she purchased it all, correct? 12 A. Yes. She's responsible for that account. 13 Q. Okay. And so in part of your investigation 14 do you -- did you distinguish if the purchases were made 15 by any other authorized buyer? 16 A. We didn't see any evidence that there was 17 anyone else making a purchase, nor do I recall her 18 having any other authorized buyers. You have to state 19 who an authorized buyer is. 20 Q. And then if we keep going down to the policy, 21 it says that on 64, BLM000064, the last paragraph, 22 employees and dependents must use an associate charge or 23 prepaid card to receive a discount. The discount will 24 be taken back office from the charge account bill each 25 month. In other words, the discount will not appear on</p>	<p>Page 97</p>	<p>1 receipts to verify that it was her card. But the 2 majority of the numbers were crunched by MCCS. 3 Q. When you say those were her numbers, those 4 were the charges made on the card. Is that correct? 5 A. Yes. So the 65,000 that was supplied by MCCS 6 was her total from her account. 7 Q. Right. But looking at her receipts, correct? 8 A. No. That would be them pulling it directly 9 from her account. 10 Q. And you looked at -- but you looked at the 11 receipts? 12 A. We pulled the matching receipts to verify 13 that it was her account. 14 Q. And we can go to -- if you go down to 66, and 15 in here it talks about Federated Employee Discount 16 Program. See that there? 17 A. Um-hum. 18 Q. Do you know what that was? 19 A. It's the employee discount program for 20 Federated which is Macy's/Bloomingdale's, whatever they 21 own. 22 Q. So was this an additional discount? 23 A. No. It's -- it extended to Macy's or 24 Bloomingdale's employees. I never shopped in any of 25 those places, but I'm assuming that you could use your</p>	<p>Page 99</p>

<p>1 discount at other locations.</p> <p>2 Q. And then you see it says, when you cross-shop</p> <p>3 at other Federated divisions, keep the following</p> <p>4 important points in mind. You see that there?</p> <p>5 A. Um-hum.</p> <p>6 Q. And it says, the discount is 20 percent on</p> <p>7 most items, 10 percent for selected home departments.</p> <p>8 The discount is applied back office. And then it says,</p> <p>9 all purchases will be charged to the revolving/flex</p> <p>10 account type only. What is the revolving/flex account?</p> <p>11 A. I don't know what a revolving/flex account</p> <p>12 is. I know that we had two options, to have a regular</p> <p>13 Bloomingdale's account in our name or a prepaid card.</p> <p>14 Q. So you're not aware if Kristina had a</p> <p>15 revolving flex account?</p> <p>16 A. I do not know what that is. I know she had a</p> <p>17 prepaid account.</p> <p>18 Q. Let's look at 1486-1515.</p> <p>19 A. Is there more than one page?</p> <p>20 Q. Yes.</p> <p>21 (Plaintiff's Exhibit 8 marked for</p> <p>22 identification)</p> <p>23 BY MS. MENDOZA:</p> <p>24 Q. Let's turn to Bates stamp 1497 and 1498. So</p> <p>25 when you're -- just for clarification purposes, are</p>	<p>Page 100</p> <p>1 Q. Right.</p> <p>2 A. So if Kristina got rung up by someone else,</p> <p>3 it would be -- we would be looking at -- instead of</p> <p>4 American Express, we would be looking at Bloomingdale's</p> <p>5 account that is Kristina's account number.</p> <p>6 Q. Okay.</p> <p>7 A. And if she sent it somewhere, she would</p> <p>8 put -- she would have the associate input the address</p> <p>9 she wanted to send it to.</p> <p>10 Q. Right, okay. But it wouldn't be the 7 -- or,</p> <p>11 no, it would be the 720 as the journal --</p> <p>12 A. No. That would be another associate. The</p> <p>13 72061886 that's at the top of this transaction is</p> <p>14 Kristina as the associate ringing or the employee</p> <p>15 ringing the sale.</p> <p>16 Q. Okay.</p> <p>17 A. So under hers there were other associates</p> <p>18 ringing her sales.</p> <p>19 Q. And if we keep going down to -- no. I think</p> <p>20 that's it. As part of the investigation, do you collect</p> <p>21 bank statements from employees?</p> <p>22 A. Collect bank statements?</p> <p>23 Q. Yes.</p> <p>24 A. Their personal bank statements?</p> <p>25 Q. Yes.</p>
<p>Page 101</p> <p>1 you -- when you were looking at the -- when you look at</p> <p>2 the receipts for a purchase made by Kristina, what --</p> <p>3 how does it differentiate than this document -- this</p> <p>4 document here which is 1498? If you look at 1498, you</p> <p>5 see there it says, send to name, and then there's</p> <p>6 Margaret Roberts and then sender Kristina Chanel?</p> <p>7 A. They're essentially the same printout except</p> <p>8 one would be with Kristina's card number and her</p> <p>9 information.</p> <p>10 Q. So it would say sender Kristina, send to, and</p> <p>11 then the address would be Kristina as well?</p> <p>12 A. No. If she was shipping it somewhere else,</p> <p>13 she would put another name perhaps if she was sending it</p> <p>14 to a friend.</p> <p>15 Q. So then you're looking at the -- so then to</p> <p>16 distinguish that that is for her, a purchase for her and</p> <p>17 not that she's ringing up someone, you're saying that</p> <p>18 you would look at the -- where would you --</p> <p>19 A. She wouldn't be allowed to ring up herself.</p> <p>20 That would be a problem.</p> <p>21 Q. Okay.</p> <p>22 A. So it would be another associate number at</p> <p>23 the top. This one has Kristina's number at the top</p> <p>24 under where it says journal start time all that is</p> <p>25 Kristina ringing up a customer.</p>	<p>Page 103</p> <p>1 A. No.</p> <p>2 Q. How do you verify where they're getting money</p> <p>3 from?</p> <p>4 A. We would only have an issue if they admitted</p> <p>5 they took money from somebody else, or in some instances</p> <p>6 we may see them take money from someone else, or someone</p> <p>7 else may use a bank card to have paid a balance to their</p> <p>8 card if they were paying a prepaid card.</p> <p>9 Q. As part of your investigation, why wouldn't</p> <p>10 you collect bank statements, personal bank statements,</p> <p>11 from employees if they are potential resellers?</p> <p>12 A. Because I'm not law enforcement and I don't</p> <p>13 have the power of subpoena for them to give me their</p> <p>14 bank statements.</p> <p>15 Q. And do you know if once it's handed over --</p> <p>16 withdrawn. Have any of the investigations been handed</p> <p>17 over to law enforcement during Kristina's employment?</p> <p>18 A. During this particular investigation, I</p> <p>19 believe there were some referred to law enforcement, but</p> <p>20 I was not involved in those.</p> <p>21 MS. MENDOZA: And sorry to pull it back</p> <p>22 up. The last Plaintiff's Exhibit was it 7 or 8, the</p> <p>23 last one we just had up, 1486 to 1515?</p> <p>24 MR. MESSNER: It would be Exhibit 8,</p> <p>25 Counsel.</p>



<p>Page 104</p> <p>1 MS. MENDOZA: If you go to page Bates</p> <p>2 stamped BLM001491 of Plaintiff's Bates stamp -- marked</p> <p>3 Plaintiff's Bates stamp -- marked Plaintiff's Exhibit 8,</p> <p>4 my apologies.</p> <p>5 BY MS. MENDOZA:</p> <p>6 Q. If we go to the bottom of that page, do you</p> <p>7 see there's an e-mail from you Sunday, June 4th, 2017 to</p> <p>8 Abraham Gonzalez and Fred Becker? Do you see that</p> <p>9 there?</p> <p>10 A. I do.</p> <p>11 Q. And the last paragraph you state that this</p> <p>12 same associate, which at the top you mention is</p> <p>13 associate Kristina Mikhaylova, at the bottom you state</p> <p>14 in the last paragraph, this same associate is scheduled</p> <p>15 to be interviewed again on Tuesday, June 6th as through</p> <p>16 further investigation it now appears she is violating</p> <p>17 the employee discount policy and potentially reselling</p> <p>18 through her family members. Do you see that there?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So at that time did you believe that</p> <p>21 she was reselling through her family members?</p> <p>22 A. I believe she was reselling and based on some</p> <p>23 of the information she was shipping to family members,</p> <p>24 so that's the tie-in.</p> <p>25 Q. How did you know they were family members?</p>	<p>Page 106</p> <p>1 were the employees -- withdrawn. Were the employees</p> <p>2 required to contact HR within a certain amount of time</p> <p>3 period or else it was considered a voluntary</p> <p>4 resignation?</p> <p>5 A. I believe that is part of the suspension</p> <p>6 notice, yes.</p> <p>7 Q. And did Kristina get that?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know what the protocol is while</p> <p>10 someone is suspended?</p> <p>11 MS. TIERNEY: Object to the form. You</p> <p>12 may answer.</p> <p>13 THE WITNESS: I don't know the specifics.</p> <p>14 I know that we direct them to contact within I think</p> <p>15 it's 48 hours. Other than that, that's HR's realm.</p> <p>16 BY MS. MENDOZA:</p> <p>17 Q. But you're not involved in any decision</p> <p>18 making regarding that employee's continued employment?</p> <p>19 A. No.</p> <p>20 Q. Okay. And do you know who Tyler Rose is or</p> <p>21 was?</p> <p>22 A. I believe that's another associate. I know</p> <p>23 the name.</p> <p>24 Q. Do you know if he was shipping to the same</p> <p>25 address as Kristina?</p>
<p>Page 105</p> <p>1 A. Because on some of her purchases I believe</p> <p>2 she used the last name Mikhaylova where she was sending</p> <p>3 them to.</p> <p>4 Q. When you did your investigation and you took</p> <p>5 Kristina's statement, was she allowed to not give a</p> <p>6 statement if she didn't want to?</p> <p>7 A. She could have refused, yes.</p> <p>8 Q. And have any employees been suspended or</p> <p>9 received any repercussions for not writing a statement?</p> <p>10 A. I'm sorry, can you repeat that.</p> <p>11 Q. Do all employees that are interviewed write a</p> <p>12 statement?</p> <p>13 A. Generally speaking, yes, if it's a formal</p> <p>14 interview, we'll ask everyone to write a statement.</p> <p>15 Q. And if -- and what if they refuse?</p> <p>16 A. Then we will make note that they refused, and</p> <p>17 we'll write up our summary including the fact that they</p> <p>18 refused to write their own statement.</p> <p>19 Q. And do they get a suspension notice if they</p> <p>20 refuse to write a statement?</p> <p>21 A. They get a suspension notice if we're</p> <p>22 suspending them for what the interview and the</p> <p>23 investigation uncovered, not because they refused to</p> <p>24 write a statement.</p> <p>25 Q. And did some -- but were some suspensions --</p>	<p>Page 107</p> <p>1 A. I do not recall if he was.</p> <p>2 Q. Do you know if he was terminated?</p> <p>3 A. Not a hundred percent but -- no, I don't</p> <p>4 know -- I don't recall if Tyler was.</p> <p>5 Q. Meaning you don't recall that he was</p> <p>6 terminated?</p> <p>7 A. I do not remember if Tyler was terminated or</p> <p>8 not.</p> <p>9 MS. MENDOZA: Let's pull up 1576 to 1605,</p> <p>10 please, mark this as Plaintiff's Exhibit 9.</p> <p>11 (Plaintiff's Exhibit 9 marked for</p> <p>12 identification)</p> <p>13 MS. TIERNEY: What were the Bates, 1576</p> <p>14 to what?</p> <p>15 MS. MENDOZA: 1605.</p> <p>16 MS. TIERNEY: Thank you.</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q. So starting with this exhibit -- the document</p> <p>19 marked Plaintiff's Exhibit 9 Bates stamped the first</p> <p>20 page there at the bottom you see there Bates stamped</p> <p>21 BLM001576. See that there?</p> <p>22 A. Yes.</p> <p>23 Q. And so this is about Tyler Rose, right? Do</p> <p>24 you see that there, investigative summary?</p> <p>25 A. Yes.</p>

<p>Page 108</p> <p>1 Q. And was this done after Kristina's 2 termination?</p> <p>3 A. I believe so, yes.</p> <p>4 Q. And then if you go down, it says discount 5 abuse, and it looks -- appears that Tyler Rose shipped 6 his personal Chanel handbag a purchase address in 7 New Hampshire where the shipping fee is waived on 8 4/21/2017, purchases were made and shipped to Yu Yu Lai 9 at that address. Do you see that there?</p> <p>10 A. Yes.</p> <p>11 Q. And then if you go down, you continue going 12 past that to the -- yes, the transactions. So it says 13 the journal -- as you stated before, so the date send 14 purchase 4/21/2017, and then journal you see it says 15 72061886. You see that there?</p> <p>16 A. Yes.</p> <p>17 Q. So that would be based on what you said 18 before that Kristina rung up Tyler Rose. Is that 19 correct?</p> <p>20 A. She's the cashier, yes.</p> <p>21 Q. So then would it be that Kristina was sending 22 to -- if we go back up to the investigative summary, so 23 was it that Tyler Rose was shipping to that Yu Yu Lai 24 address on that date, or was it Kristina?</p> <p>25 A. I believe there was one transaction, if I'm</p>	<p>Page 110</p> <p>1 was leading this investigation was not present, and in 2 partnering with them they told me to suspend until it 3 could be further reviewed.</p> <p>4 Q. Okay. And was it encouraged for employees to 5 write a statement?</p> <p>6 A. If by encouraged you mean we let them know 7 that they can write a statement in their words to 8 present their side of it to employee relations or HR, I 9 guess that's encouragement.</p> <p>10 Q. But are they encouraged again after they 11 refuse?</p> <p>12 A. I think we would just reiterate that it's 13 your opportunity to write a statement about what we 14 spoke about, and if you don't care to that that's fine, 15 we'll submit our summary.</p> <p>16 Q. And is there a difference between employee 17 relations and HR?</p> <p>18 A. No.</p> <p>19 Q. After reviewing that document, do you recall 20 if Tyler was suspended -- my apologies, do you recall if 21 Tyler was terminated?</p> <p>22 A. I don't recall, no. There was nothing there 23 to indicate.</p> <p>24 Q. Do you recall your conversations with HR 25 afterwards?</p>
<p>Page 109</p> <p>1 reading it correctly, that Tyler made and shipped to 2 Yu Yu.</p> <p>3 Q. Okay. And going to 1577 there in the second 4 paragraph it says, after explaining how investigations 5 were conducted, Rose was asked to speak about the last 6 time that he'd gained profit from a purchase he'd made. 7 And in this here it's requested that Rose make a 8 statement, but do you recall if Rose declined to make a 9 statement -- to write a statement?</p> <p>10 A. I believe Tyler did refuse.</p> <p>11 Q. And then it states that after he refused, if 12 you look at the fourth line from the second paragraph, 13 the end of the second paragraph, there it says, Asset 14 Protection Manager Chris Castellani was updated on the 15 conversation and stepped into the office to continue the 16 conversation. Upon exiting, Castellani advised Rivera 17 to take a statement from Rose. Rivera stepped back into 18 the office and began explaining the purposes of the 19 written statement. Rose stated that he did not want to 20 make a statement. Rivera exited the office again and 21 spoke with Castellani. At this point after partnering 22 with central investigation team, Castellani suspended 23 Rose pending further review by employee relations. Why 24 did you suspend Rose at that point?</p> <p>25 A. Because the central investigations team who</p>	<p>Page 111</p> <p>1 A. I don't know that I had any direct 2 conversations. It would have either been Robert who did 3 the investigation and the interview or someone from 4 central who was overseeing the larger interview.</p> <p>5 Q. Okay.</p> <p>6 A. Only a manager could suspend, so one of us 7 had to be present if we were going to suspend an 8 employee.</p> <p>9 Q. I see. At the time that you investigated 10 Kristina did you know that she was pregnant?</p> <p>11 A. No.</p> <p>12 Q. And at the time that you interviewed Kristina 13 did you know that she was pregnant?</p> <p>14 A. No.</p> <p>15 Q. At any point did you know that she was on 16 FMLA leave?</p> <p>17 MS. TIERNEY: Object to the form. You 18 may answer.</p> <p>19 THE WITNESS: I think after the fact of 20 everything someone may have said she was pregnant but 21 not during the investigative process.</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q. So you're saying after everything. Do you 24 mean that after her termination?</p> <p>25 A. Yeah. It was shortly after we closed out the</p>

<p>Page 112</p> <p>1 investigation, so I would say it was after the</p> <p>2 investigation was done.</p> <p>3 Q. Was it during her suspension?</p> <p>4 A. I don't think so. I don't recall being told</p> <p>5 in those few days interim anything about a pregnancy.</p> <p>6 Q. And did you have any conversations with Cathy</p> <p>7 Younis regarding the investigation into Kristina's</p> <p>8 account?</p> <p>9 A. Other than to inform them that we would be</p> <p>10 doing a conversation through I believe e-mail. That's</p> <p>11 the only conversation I recall.</p> <p>12 Q. And at what point did you have that</p> <p>13 conversation?</p> <p>14 A. We would have sent out an e-mail maybe a day</p> <p>15 prior to the conversation, so June 5th maybe we would</p> <p>16 have sent an e-mail to any stakeholder, HR who oversaw</p> <p>17 the department which apparently was Richard, Cathy as</p> <p>18 her manager so they would know that we would be taking</p> <p>19 one of their employees off the floor for a conversation.</p> <p>20 Q. So that's for the interview, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And did you have any conversations with Denis</p> <p>23 regarding the investigation into Kristina Mikhaylova's</p> <p>24 purchases?</p> <p>25 A. No.</p>	<p>Page 114</p> <p>1 Q. Okay. And did you state that it was because</p> <p>2 of the way that Sarah -- withdrawn. Was it because you</p> <p>3 didn't agree with the director's policies at that time?</p> <p>4 A. We disagreed on how my team should be managed</p> <p>5 and how certain aspects of loss prevention and asset</p> <p>6 protection in the store were carried out.</p> <p>7 Q. And did any of those issues involve the same</p> <p>8 issues in which Kristina was investigated?</p> <p>9 A. No.</p> <p>10 MS. MENDOZA: I will reserve time for now</p> <p>11 if you have any questions, but otherwise I'll take a few</p> <p>12 minutes to look back, but I think I'm pretty much done.</p> <p>13 MS. TIERNEY: Yeah, I don't have</p> <p>14 anything.</p> <p>15 MS. MENDOZA: Okay. Just give me two</p> <p>16 minutes to doublecheck. Thank you.</p> <p>17 (Recess taken)</p> <p>18 BY MS. MENDOZA:</p> <p>19 Q. Do you recall when Angy Lee was terminated?</p> <p>20 MS. TIERNEY: Are you back? Okay, okay.</p> <p>21 Sorry, didn't know you were back.</p> <p>22 THE WITNESS: I'm sorry, what was that?</p> <p>23 BY MS. MENDOZA:</p> <p>24 Q. Do you want the question again?</p> <p>25 A. Yes, please.</p>
<p>Page 113</p> <p>1 Q. Did you have any conversations with Denis</p> <p>2 regarding Kristina's suspension?</p> <p>3 A. No.</p> <p>4 Q. Did you have any conversations with Denis</p> <p>5 regarding her -- Kristina's potential for reselling?</p> <p>6 A. No.</p> <p>7 Q. And did you have any conversations with Cathy</p> <p>8 or Denis regarding the addresses that Kristina was</p> <p>9 shipping to?</p> <p>10 A. Not that I recall, no.</p> <p>11 Q. And now going back to your termination from</p> <p>12 Soho, was it -- withdrawn. Was your termination</p> <p>13 regarding your investigation into employee discount</p> <p>14 abuse?</p> <p>15 A. I'm sorry, my termination?</p> <p>16 Q. Yes.</p> <p>17 A. Was it related to me investigating employee</p> <p>18 discount abuse, no.</p> <p>19 Q. So we'll go back. So you were -- why were</p> <p>20 you terminated again?</p> <p>21 MS. TIERNEY: Object to form. You may</p> <p>22 answer.</p> <p>23 THE WITNESS: As I said, they put</p> <p>24 substandard job performance.</p> <p>25 BY MS. MENDOZA:</p>	<p>Page 115</p> <p>1 Q. Okay. The question is do you recall when</p> <p>2 Angy Lee was terminated?</p> <p>3 A. I don't know an exact date. I believe it was</p> <p>4 a few months after Kristina.</p> <p>5 Q. Does September 26th sound about right, 2017?</p> <p>6 A. Again, I don't remember a specific date, but</p> <p>7 it would be in the records.</p> <p>8 MS. MENDOZA: Let's pull 1964.</p> <p>9 MS. TIERNEY: This is Exhibit 10?</p> <p>10 MS. MENDOZA: Yes.</p> <p>11 (Plaintiff's Exhibit 10 marked for</p> <p>12 identification)</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q. Go ahead, take a look at the document,</p> <p>15 Plaintiff's Exhibit 10 Bates stamped BLM001952.</p> <p>16 A. Okay.</p> <p>17 Q. So you see the date there is September 26th,</p> <p>18 2017?</p> <p>19 A. Correct.</p> <p>20 Q. And do you see that -- so does that refresh</p> <p>21 your recollection that -- withdrawn. So do you recall</p> <p>22 if during that time Angy Lee was being investigated for</p> <p>23 potential reselling?</p> <p>24 A. It appears to be, yes.</p> <p>25 Q. Did you conduct the investigation into --</p>

<p>1 A. No.</p> <p>2 Q. -- Angy Lee?</p> <p>3 A. No, I didn't.</p> <p>4 Q. Did you supervise it?</p> <p>5 A. No. Gina who is there was a central manager</p> <p>6 of investigations.</p> <p>7 Q. And do you know why it took so long between</p> <p>8 June when Kristina was terminated and September why Angy</p> <p>9 was -- why it took so long for Angy to be investigated?</p> <p>10 A. I don't believe it took long to be</p> <p>11 investigated. It took -- I believe it took a longer</p> <p>12 time to complete the investigation because of some of</p> <p>13 the information developed throughout the investigation.</p> <p>14 Q. But was Angy being investigated for the fraud</p> <p>15 of credit card use -- credit card --</p> <p>16 A. She was part of the overall investigation</p> <p>17 into fraudulent credit card purchases and shipping to</p> <p>18 resellers.</p> <p>19 Q. Shipping to resellers from her account?</p> <p>20 A. I don't recall. I know that she is connected</p> <p>21 to Yu Yu Lai I believe who is a reseller. There are</p> <p>22 numerous transactions I believe involved that were being</p> <p>23 shipped to other places as well. There's a connection</p> <p>24 between Yu Yu Lai and what Kristina was shipping to the</p> <p>25 same address.</p>	<p>Page 116</p>	<p>1 answer.</p> <p>2 THE WITNESS: Only based on what the</p> <p>3 employees told us during their conversations.</p> <p>4 BY MS. MENDOZA:</p> <p>5 Q. Okay, thank you. And have you understood all</p> <p>6 my questions today?</p> <p>7 A. Yes.</p> <p>8 Q. And would you like to change any of your</p> <p>9 answers?</p> <p>10 A. No.</p> <p>11 MS. MENDOZA: I have no further</p> <p>12 questions.</p> <p>13 MS. TIERNEY: We don't have anything.</p> <p>14 Thank you so much, Chris.</p> <p>15 THE COURT REPORTER: Would you like a</p> <p>16 copy, Attorney Tierney?</p> <p>17 MS. TIERNEY: Steve and I are partners,</p> <p>18 so I just need one copy.</p> <p>19 (The deposition concluded at 4:12 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 118</p>
<p>1 Q. Was there any determination of that?</p> <p>2 A. Any determination of what?</p> <p>3 Q. That you're saying that Yu Yu Lai was a</p> <p>4 reseller.</p> <p>5 A. As we discussed earlier, that was part of the</p> <p>6 investigation in which people like Angy Lee admitted to</p> <p>7 selling and shipping to Yu Yu Lai as a reseller.</p> <p>8 Q. Right, because -- right, that's what she has</p> <p>9 stated, right? But there was no proof or evidence</p> <p>10 besides her statement, correct?</p> <p>11 MS. TIERNEY: Object to the form. You</p> <p>12 can answer.</p> <p>13 THE WITNESS: So if you go through all of</p> <p>14 those documents we scrolled through earlier, those are</p> <p>15 all her website and articles about her selling. We did</p> <p>16 not to my knowledge prosecute Yu Yu Lai. We</p> <p>17 investigated the internal side, and their admission was</p> <p>18 that they were selling to Yu Yu Lai and other people</p> <p>19 that were known resellers.</p> <p>20 BY MS. MENDOZA:</p> <p>21 Q. Okay. But my question is, did you have any</p> <p>22 proof that that location that you're mentioning was a</p> <p>23 known reseller of the merchandise being purchased at</p> <p>24 Bloomingdale's at 59th Street?</p> <p>25 MS. TIERNEY: Object to form. You can</p>	<p>Page 117</p>		

1 COMMONWEALTH OF PENNSYLVANIA :

2 COUNTY OF YORK :

3 I, Bethann M. Rogers, Reporter and Notary  
4 Public in and for the Commonwealth of Pennsylvania and  
5 County of York, do hereby certify that the foregoing  
deposition was taken before me at the time and place  
hereinbefore set forth, and that it is the testimony of:

6 CHRISTOPHER CASTELLANI

7 I further certify that said witness was  
8 by me duly sworn to testify the whole and complete truth  
in said cause; that the testimony then given was  
9 reported by me stenographically, and subsequently  
10 transcribed under my direction and supervision; and that  
the foregoing is a full, true and correct transcript of  
my original shorthand notes.

11 I further certify that I am not counsel  
12 for or related to any of the parties to the foregoing  
cause, or employed by them or their attorneys, and am  
13 not interested in the subject matter or outcome thereof.

14 Dated at York, Pennsylvania this 23rd day  
15 of November, 2022.

16  
17  
18 \_\_\_\_\_  
19 Bethann M. Rogers  
20 Registered Professional Reporter  
Notary Public

21 The foregoing certification of this  
22 transcript does not apply to any reproduction of the  
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23 supervision of the certifying reporter.

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Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the Errata Sheet for any corrections that are made. After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you, copying all other counsel and myself. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

1	E R R A T A S H E E T		
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## ACKNOWLEDGMENT OF DEPONENT

I, CHRISTOPHER CASTELLANI, do hereby certify that I have read the foregoing pages and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

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CHRISTOPHER CASTELLANI

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<b>\$65,000</b> (3)	<b>2040</b> (3)	< 8 >	<b>advised</b> (1)
< 0 >	<b>20th</b> (1)	<b>8</b> (5)	<b>AFL-CIO</b> (1)
<b>000063</b> (1)	<b>212)494-1621</b> (1)	<b>884</b> (1)	<b>age</b> (1)
<b>07004</b> (1)	<b>212)587-0760</b> (1)	<b>885</b> (3)	<b>agency</b> (1)
< 1 >	<b>23rd</b> (1)	<b>888</b> (1)	<b>ago</b> (5)
<b>1</b> (4)	<b>24</b> (2)	<b>89</b> (2)	<b>agree</b> (2)
<b>1:48</b> (1)	<b>26</b> (2)	< 9 >	<b>agreement</b> (2)
<b>10</b> (5)	<b>26th</b> (2)	<b>9</b> (4)	<b>agreements</b> (1)
<b>10/16</b> (2)	<b>2M</b> (1)	<b>90,000</b> (2)	<b>ahead</b> (6)
<b>100</b> (2)	< 3 >	<b>91</b> (1)	<b>alarm</b> (2)
<b>10001</b> (1)	<b>3</b> (7)	<b>93</b> (1)	<b>alerted</b> (1)
<b>10119</b> (1)	<b>30</b> (1)	<b>95</b> (1)	<b>allowed</b> (9)
<b>107</b> (2)	<b>34TH</b> (1)	<b>96</b> (1)	<b>American</b> (1)
<b>1098</b> (3)	<b>35</b> (1)	<b>973)256-9000</b> (1)	<b>amount</b> (18)
<b>11:07</b> (1)	<b>379</b> (3)	< A >	<b>amounts</b> (1)
<b>1110</b> (1)	<b>380</b> (5)	<b>A.M</b> (1)	<b>and/or</b> (1)
<b>115</b> (1)	< 4 >	<b>A/K/A</b> (1)	<b>Angy</b> (10)
<b>1456</b> (2)	<b>4</b> (3)	<b>abbreviation</b> (2)	<b>anonymous</b> (1)
<b>1485</b> (2)	<b>4/21/17</b> (1)	<b>Abe</b> (3)	<b>answer</b> (66)
<b>1486</b> (1)	<b>4/21/2017</b> (3)	<b>ability</b> (1)	<b>answered</b> (3)
<b>1486-1515</b> (1)	<b>4:12</b> (1)	<b>able</b> (2)	<b>answering</b> (1)
<b>1497</b> (1)	<b>42</b> (1)	<b>Abraham</b> (5)	<b>answers</b> (3)
<b>1498</b> (3)	<b>48</b> (1)	<b>abuse</b> (29)	<b>answer's</b> (1)
<b>15</b> (1)	<b>4905</b> (1)	<b>abuses</b> (1)	<b>anybody</b> (3)
<b>151</b> (1)	<b>4th</b> (2)	<b>accept</b> (1)	<b>AP</b> (3)
<b>1515</b> (1)	< 5 >	<b>access</b> (12)	<b>API</b> (1)
<b>1576</b> (2)	<b>5</b> (3)	<b>Account</b> (43)	<b>apologies</b> (3)
<b>1577</b> (1)	<b>59th</b> (24)	<b>accountable</b> (1)	<b>apparently</b> (1)
<b>1605</b> (2)	<b>5th</b> (1)	<b>accounts</b> (5)	<b>appear</b> (2)
<b>165</b> (1)	< 6 >	<b>accurate</b> (1)	<b>APPEARANCES</b> (1)
<b>19</b> (1)	<b>6</b> (5)	<b>ACKNOWLEDGMEN</b>	<b>appears</b> (5)
<b>1964</b> (1)	<b>61</b> (1)	<b>T</b> (1)	<b>applicable</b> (2)
<b>1986</b> (1)	<b>64</b> (1)	<b>act</b> (2)	<b>applied</b> (1)
<b>19-8927</b> (1)	<b>65,000</b> (5)	<b>action</b> (14)	<b>apply</b> (2)
<b>1995</b> (1)	<b>65,988</b> (2)	<b>activity</b> (9)	<b>applying</b> (1)
<b>1st</b> (2)	<b>66</b> (3)	<b>add</b> (1)	<b>appropriate</b> (1)
< 2 >	<b>69</b> (1)	<b>addition</b> (1)	<b>approve</b> (1)
<b>2</b> (4)	<b>6th</b> (3)	<b>additional</b> (5)	<b>Approximate</b> (1)
<b>20</b> (2)	< 7 >	<b>address</b> (12)	<b>approximately</b> (5)
<b>2016</b> (4)	<b>7</b> (5)	<b>addresses</b> (8)	<b>April</b> (2)
<b>2017</b> (15)	<b>720</b> (1)	<b>adjustments</b> (1)	<b>area</b> (4)
<b>2019</b> (4)	<b>72061886</b> (6)	<b>admission</b> (3)	<b>areas</b> (2)
<b>2020</b> (2)	<b>73</b> (1)	<b>admit</b> (3)	<b>argumentative</b> (2)
		<b>admitted</b> (10)	<b>arguments</b> (1)
		<b>admonish</b> (1)	<b>articles</b> (1)
			<b>asked</b> (9)
			<b>asking</b> (13)
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aspects (1)	Becker (4)	BLM888 (1)	cash (1)
asset (45)	Becker's (1)	block (3)	cashier (1)
assets (1)	becoming (1)	blocked (3)	CASTELLANI (13)
assistance (1)	began (1)	BLOOMINGDALE'S (55)	catching (1)
assisted (2)	behavior (1)		categories (1)
Associate (16)	believe (57)	Bloomingdale's/Macy's (1)	categorize (1)
associated (4)	benefit (1)	owned (1)	category (3)
associates (6)	best (2)	Bloomingdale's-	Cathy (15)
associate's (3)	Beth (1)	BOBBY (8)	cause (2)
assume (6)	BETHANN (3)	boiled (1)	cc (1)
assumed (1)	BETTY (2)	bona (3)	cc'd (1)
assuming (2)	betty.tierney@macys.c	BOOKER (6)	CCTV (1)
assumption (1)	om (1)	boss (1)	central (33)
attached (3)	beyond (2)	bottom (10)	certain (6)
attempts (1)	bigger (3)	bought (4)	certainly (1)
attend (5)	bill (4)	branch (1)	certification (1)
attendance (1)	bit (4)	brand (3)	certify (4)
attention (1)	black (1)	brands (1)	certifying (1)
attorney (10)	BLM (1)	break (4)	Chad (3)
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attractive (1)	BLM000066 (1)	bringing (1)	chain (1)
audible (1)	BLM000064 (1)	broaden (2)	Chanel (23)
audibly (1)	BLM000379 (1)	broke (1)	Chanel's (1)
authenticity (3)	BLM000379-	brought (2)	change (4)
authorized (8)	BLM000456 (1)	building (5)	changed (1)
available (2)	BLM000380 (1)	buildings (1)	changes (5)
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	BLM001110 (1)		C-h-i-e (1)
< B >	BLM001456-	< C >	children (4)
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backed (1)	BLM001515 (1)	calls (1)	circuit (1)
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bags (4)	BLM001576 (1)	card (32)	clarify (1)
balance (2)	BLM001576-	cards (7)	clear (3)
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based (12)	BLM002040-	CARROTS (1)	collect (3)
basic (3)	BLM002055 (1)	CASE (17)	Collection (2)
Basically (1)	BLM1462 (1)	cases (2)	collective (1)
basis (1)	BLM2040 (2)		college (3)
Bates (19)	BLM61 (1)		collusion (1)



combination (3)	coordinate (1)	DEFENDANTS (3)	discipline (1)
come (12)	copied (1)	definitely (1)	Discount (89)
comfort (1)	copy (3)	definition (1)	discounts (2)
coming (2)	copying (1)	degree (1)	discoverable (1)
command (1)	corner (1)	delete (1)	discrimination (1)
committing (1)	corporate (10)	deleted (3)	discussed (9)
COMMONWEALTH (2)	correct (49)	DEMANDS (1)	discussing (2)
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conjunction (1)	crunched (1)	determination (5)	doublecheck (1)
connected (1)	current (1)	determine (9)	drilled (1)
connection (2)	customer (4)	determined (4)	duly (2)
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consider (2)	D/B/A (3)	Development (1)	earlier (2)
considered (6)	DATE (13)	dialogue (1)	early (2)
contact (6)	dated (2)	DIAZ (2)	easier (1)
containing (1)	dates (6)	dictate (1)	eBay (1)
CONTENTS (1)	DAVID (3)	difference (4)	effect (1)
continue (4)	day (4)	different (16)	either (9)
continued (3)	days (2)	differentiate (1)	elaborate (3)
continuous (1)	dealings (1)	differing (1)	element (1)
contribute (2)	debit (1)	direct (6)	eligible (5)
contributed (1)	decided (2)	direction (1)	eligible (5)
control (2)	decides (1)	directly (5)	e-mail (10)
controls (1)	decision (1)	director (7)	emails (1)
conversation (26)	declined (1)	directors (1)	e-mails (2)
conversations (18)	deemed (1)	director's (1)	employed (3)
convicted (1)	defendant (2)	disagreed (1)	employee (51)
		disciplinary (4)	employees (36)

<b>employee's</b> (3)	<b>external</b> (15)	<b>form</b> (68)	<b>grand</b> (2)
<b>employer</b> (1)	<b>extreme</b> (1)	<b>formal</b> (3)	<b>Gray</b> (2)
<b>employment</b> (17)	<b>extremely</b> (1)	<b>formally</b> (1)	<b>Great</b> (4)
<b>encompassing</b> (1)	< F >	<b>former</b> (4)	<b>ground</b> (1)
<b>encouraged</b> (3)	<b>fact</b> (5)	<b>forth</b> (1)	<b>GROUP</b> (4)
<b>encouragement</b> (1)	<b>facts</b> (2)	<b>FORTY</b> (1)	<b>groups</b> (1)
<b>ended</b> (1)	<b>fail</b> (1)	<b>forward</b> (3)	<b>grow</b> (1)
<b>ends</b> (2)	<b>fair</b> (3)	<b>forwarded</b> (3)	<b>guard</b> (3)
<b>enforcement</b> (7)	<b>FAIRFIELD</b> (1)	<b>found</b> (5)	<b>guards</b> (4)
<b>ensure</b> (1)	<b>family</b> (8)	<b>four</b> (6)	<b>guess</b> (11)
<b>entails</b> (1)	<b>far</b> (2)	<b>fourth</b> (1)	<b>guidelines</b> (3)
<b>entered</b> (1)	<b>Fashion</b> (1)	<b>frame</b> (5)	<b>guilty</b> (1)
<b>entire</b> (5)	<b>February</b> (8)	<b>fraud</b> (36)	< H >
<b>entirety</b> (1)	<b>Federated</b> (3)	<b>frauds</b> (1)	<b>habits</b> (1)
<b>entitled</b> (1)	<b>fee</b> (2)	<b>fraudsters</b> (3)	<b>Hackensack</b> (5)
<b>Errata</b> (5)	<b>fell</b> (3)	<b>fraudulent</b> (4)	<b>half</b> (3)
<b>ESQUIRE</b> (3)	<b>felt</b> (3)	<b>Fred</b> (11)	<b>halfway</b> (1)
<b>essentially</b> (3)	<b>fide</b> (3)	<b>friend</b> (3)	<b>Hampshire</b> (4)
<b>establish</b> (1)	<b>field</b> (1)	<b>friends</b> (7)	<b>hand</b> (2)
<b>estimate</b> (1)	<b>fifth</b> (1)	<b>front</b> (1)	<b>handbag</b> (5)
<b>evadance</b> (1)	<b>file</b> (2)	<b>full</b> (2)	<b>handbags</b> (4)
<b>evade</b> (2)	<b>filed</b> (1)	<b>full-blown</b> (1)	<b>handbook</b> (1)
<b>evasion</b> (1)	<b>files</b> (3)	<b>fully</b> (1)	<b>handed</b> (2)
<b>eventually</b> (1)	<b>fill</b> (1)	<b>further</b> (6)	<b>handful</b> (2)
<b>EVEREST</b> (1)	<b>final</b> (6)	< G >	<b>handled</b> (1)
<b>everybody</b> (1)	<b>find</b> (8)	<b>gained</b> (1)	<b>Handwritten</b> (1)
<b>evidence</b> (4)	<b>findings</b> (2)	<b>Gap</b> (8)	<b>happened</b> (7)
<b>exact</b> (10)	<b>fine</b> (6)	<b>garb</b> (1)	<b>happy</b> (2)
<b>exactly</b> (2)	<b>finish</b> (2)	<b>general</b> (8)	<b>harassment</b> (1)
<b>EXAMINATION</b> (2)	<b>first</b> (5)	<b>generally</b> (3)	<b>head</b> (2)
<b>example</b> (1)	<b>five</b> (5)	<b>George</b> (1)	<b>hear</b> (1)
<b>exceeded</b> (2)	<b>five-man</b> (1)	<b>GERBER</b> (4)	<b>heard</b> (1)
<b>exceeding</b> (4)	<b>fixtures</b> (1)	<b>getting</b> (4)	<b>heavily</b> (1)
<b>excessive</b> (1)	<b>flag</b> (2)	<b>gift</b> (2)	<b>he'd</b> (2)
<b>Excuse</b> (1)	<b>flags</b> (3)	<b>gifts</b> (7)	<b>held</b> (3)
<b>Exhibit</b> (44)	<b>flagship</b> (6)	<b>GILMAN</b> (1)	<b>help</b> (2)
<b>EXHIBITS</b> (1)	<b>flex</b> (1)	<b>Gina</b> (2)	<b>helped</b> (4)
<b>exist</b> (1)	<b>floor</b> (10)	<b>give</b> (7)	<b>hereinbefore</b> (1)
<b>exited</b> (1)	<b>FMLA</b> (1)	<b>given</b> (5)	<b>hey</b> (1)
<b>exiting</b> (1)	<b>focus</b> (6)	<b>giving</b> (1)	<b>high</b> (15)
<b>expect</b> (1)	<b>focused</b> (11)	<b>go</b> (32)	<b>higher</b> (1)
<b>experience</b> (4)	<b>folder</b> (1)	<b>goes</b> (2)	<b>highest</b> (2)
<b>explain</b> (2)	<b>folks</b> (1)	<b>going</b> (47)	<b>highlighted</b> (1)
<b>explained</b> (1)	<b>follow</b> (1)	<b>Gonzalez</b> (2)	<b>history</b> (7)
<b>explaining</b> (2)	<b>followed</b> (2)	<b>Good</b> (8)	<b>hit</b> (1)
<b>Express</b> (1)	<b>following</b> (3)	<b>goods</b> (1)	<b>home</b> (5)
<b>expressed</b> (1)	<b>follows</b> (1)	<b>gotten</b> (3)	<b>hours</b> (3)
<b>extended</b> (2)	<b>foregoing</b> (5)	<b>graduate</b> (2)	<b>Housing</b> (1)
<b>extent</b> (2)			

<b>HR</b> (20)	<b>instances</b> (1)	<b>Kornyveh</b> (1)	<b>Loyalist</b> (2)
<b>HR's</b> (1)	<b>Institute</b> (1)	<b>KRISTINA</b> (74)	< M >
<b>hundred</b> (3)	<b>instructed</b> (1)	<b>Kristina's</b> (24)	<b>MACY'S</b> (10)
<b>husband</b> (2)	<b>INSTRUCTIONS</b> (1)	< L >	<b>Macy's/Bloomingdale's</b>
<b>hypothetically</b> (2)	<b>interact</b> (1)	<b>label</b> (1)	(1)
< I >	<b>interested</b> (1)	<b>lady</b> (2)	<b>maintain</b> (1)
<b>ID</b> (1)	<b>interim</b> (1)	<b>Lai</b> (8)	<b>majority</b> (7)
<b>identification</b> (10)	<b>internal</b> (18)	<b>large</b> (1)	<b>making</b> (9)
<b>identified</b> (1)	<b>Interview</b> (17)	<b>larger</b> (10)	<b>manage</b> (6)
<b>identify</b> (1)	<b>interviewed</b> (12)	<b>LAW</b> (11)	<b>managed</b> (3)
<b>identifying</b> (1)	<b>interviewing</b> (1)	<b>lawsuit</b> (3)	<b>management</b> (1)
<b>illegal</b> (6)	<b>interviews</b> (1)	<b>lawyer</b> (1)	<b>manager</b> (28)
<b>imagine</b> (1)	<b>investigate</b> (4)	<b>leading</b> (1)	<b>managers</b> (10)
<b>immediately</b> (1)	<b>investigated</b> (19)	<b>learn</b> (1)	<b>managing</b> (5)
<b>impair</b> (2)	<b>investigating</b> (5)	<b>learned</b> (1)	<b>Manhattan</b> (2)
<b>imperative</b> (1)	<b>investigation</b> (90)	<b>lease</b> (3)	<b>March</b> (3)
<b>implication</b> (1)	<b>investigations</b> (30)	<b>leased</b> (5)	<b>Margaret</b> (1)
<b>implications</b> (1)	<b>Investigative</b> (5)	<b>leave</b> (6)	<b>mark</b> (2)
<b>important</b> (2)	<b>investigator</b> (2)	<b>Lee</b> (7)	<b>marked</b> (16)
<b>improve</b> (2)	<b>investigators</b> (5)	<b>left</b> (8)	<b>marking</b> (3)
<b>include</b> (7)	<b>involve</b> (1)	<b>legal</b> (3)	<b>married</b> (1)
<b>included</b> (4)	<b>involved</b> (20)	<b>legally</b> (1)	<b>Mary</b> (2)
<b>including</b> (6)	<b>involvement</b> (1)	<b>level</b> (8)	<b>mashed</b> (1)
<b>inconclusive</b> (1)	<b>issue</b> (7)	<b>light</b> (1)	<b>match</b> (1)
<b>indicate</b> (1)	<b>issues</b> (18)	<b>limit</b> (6)	<b>matching</b> (1)
<b>indicated</b> (4)	<b>item</b> (4)	<b>limits</b> (1)	<b>MATT</b> (1)
<b>indicative</b> (2)	<b>items</b> (16)	<b>line</b> (5)	<b>matter</b> (1)
<b>indict</b> (1)	<b>its</b> (1)	<b>lines</b> (1)	<b>MCCS</b> (25)
<b>indiscretion</b> (1)	< J >	<b>listed</b> (4)	<b>McIntosh</b> (2)
<b>individual</b> (3)	<b>JERSEY</b> (1)	<b>little</b> (5)	<b>mean</b> (19)
<b>INDIVIDUALLY</b> (4)	<b>job</b> (11)	<b>LLC</b> (2)	<b>meaning</b> (3)
<b>individuals</b> (1)	<b>jobs</b> (2)	<b>LLP</b> (1)	<b>means</b> (3)
<b>industry</b> (1)	<b>journal</b> (4)	<b>LOCAL</b> (2)	<b>medication</b> (2)
<b>inform</b> (2)	<b>judge</b> (1)	<b>located</b> (3)	<b>meet</b> (1)
<b>informal</b> (1)	<b>judgment</b> (1)	<b>location</b> (17)	<b>meeting</b> (1)
<b>Information</b> (29)	<b>June</b> (13)	<b>locations</b> (7)	<b>meetings</b> (1)
<b>informational</b> (1)	<b>JURY</b> (3)	<b>locked</b> (1)	<b>MELISSA</b> (6)
<b>informed</b> (5)	< K >	<b>long</b> (7)	<b>melissa@dereksmithla</b>
<b>informing</b> (1)	<b>Kaitlin</b> (1)	<b>longer</b> (3)	<b>w.com</b> (1)
<b>infraction</b> (1)	<b>keep</b> (7)	<b>look</b> (28)	<b>members</b> (6)
<b>initial</b> (10)	<b>Kelly</b> (1)	<b>looked</b> (4)	<b>memo</b> (2)
<b>initially</b> (5)	<b>kind</b> (12)	<b>looking</b> (23)	<b>MENDOZA</b> (131)
<b>initiate</b> (3)	<b>kinds</b> (1)	<b>looks</b> (3)	<b>mental</b> (1)
<b>initiated</b> (3)	<b>knew</b> (2)	<b>loop</b> (1)	<b>mention</b> (2)
<b>inordinately</b> (1)	<b>know</b> (88)	<b>loss</b> (6)	<b>mentioning</b> (1)
<b>input</b> (3)	<b>knowledge</b> (3)	<b>lost</b> (1)	<b>merchandise</b> (13)
<b>inquiring</b> (1)	<b>known</b> (13)	<b>lot</b> (9)	<b>messages</b> (1)
<b>instance</b> (1)		<b>low</b> (1)	

<b>MESSNER</b> (4)	<b>number</b> (25)	<b>paragraph</b> (7)	<b>point</b> (27)
<b>met</b> (1)	<b>numbers</b> (15)	<b>PARALEGAL</b> (1)	<b>points</b> (2)
<b>methods</b> (2)	<b>numerous</b> (3)	<b>parameters</b> (1)	<b>policies</b> (5)
<b>mezzanine</b> (2)	< O >	<b>part</b> (54)	<b>policy</b> (28)
<b>middle</b> (1)	<b>Object</b> (67)	<b>particular</b> (4)	<b>portion</b> (2)
<b>MIKHAYLOVA</b> (7)	<b>Objection</b> (4)	<b>parties</b> (1)	<b>posed</b> (1)
<b>Mikhaylova's</b> (3)	<b>obligations</b> (1)	<b>partner</b> (1)	<b>Poshmarks</b> (1)
<b>mind</b> (1)	<b>occasion</b> (1)	<b>partner/fraud/ORC</b> (1)	<b>position</b> (12)
<b>minor</b> (1)	<b>occasional</b> (2)	<b>partnering</b> (3)	<b>positions</b> (1)
<b>minute</b> (1)	<b>occurred</b> (2)	<b>partners</b> (5)	<b>possibility</b> (1)
<b>minutes</b> (3)	<b>occurring</b> (2)	<b>partnership</b> (1)	<b>possible</b> (5)
<b>Mississippi</b> (2)	<b>October</b> (1)	<b>parts</b> (3)	<b>possibly</b> (3)
<b>moment</b> (1)	<b>offer</b> (1)	<b>party</b> (1)	<b>potential</b> (9)
<b>money</b> (9)	<b>office</b> (12)	<b>PASSAIC</b> (1)	<b>Potentially</b> (8)
<b>monitor</b> (2)	<b>offices</b> (1)	<b>passed</b> (1)	<b>power</b> (1)
<b>Monroe-Woodbury</b> (1)	<b>Oh</b> (1)	<b>pay</b> (9)	<b>pregnancy</b> (1)
<b>month</b> (3)	<b>Okay</b> (102)	<b>paying</b> (12)	<b>pregnant</b> (3)
<b>months</b> (3)	<b>old</b> (2)	<b>payment</b> (2)	<b>prepaid</b> (12)
<b>morning</b> (1)	<b>once</b> (4)	<b>payments</b> (3)	<b>prepared</b> (1)
<b>motion</b> (1)	<b>one-page</b> (1)	<b>peer</b> (1)	<b>prescription</b> (2)
<b>move</b> (2)	<b>ongoing</b> (3)	<b>peers</b> (3)	<b>PRESENT</b> (10)
<b>moved</b> (3)	<b>open</b> (1)	<b>pending</b> (1)	<b>president</b> (1)
<b>multiple</b> (6)	<b>operate</b> (1)	<b>PENN</b> (1)	<b>Pretty</b> (4)
< N >	<b>opinion</b> (3)	<b>PENNSYLVANIA</b> (3)	<b>prevent</b> (1)
<b>name</b> (26)	<b>opinions</b> (1)	<b>people</b> (20)	<b>prevention</b> (6)
<b>named</b> (2)	<b>opportunity</b> (2)	<b>perceived</b> (1)	<b>previous</b> (3)
<b>names</b> (5)	<b>options</b> (1)	<b>percent</b> (6)	<b>previously</b> (1)
<b>narrative</b> (2)	<b>Orange</b> (1)	<b>performance</b> (4)	<b>price</b> (2)
<b>nature</b> (1)	<b>ORC</b> (2)	<b>period</b> (11)	<b>primary</b> (2)
<b>nearly</b> (1)	<b>order</b> (3)	<b>periods</b> (1)	<b>printout</b> (1)
<b>necessarily</b> (2)	<b>organization</b> (1)	<b>periphery</b> (3)	<b>prior</b> (11)
<b>necessary</b> (1)	<b>Organized</b> (4)	<b>person</b> (7)	<b>privileges</b> (1)
<b>need</b> (4)	<b>original</b> (2)	<b>personal</b> (9)	<b>probably</b> (7)
<b>needed</b> (4)	<b>outcome</b> (6)	<b>personally</b> (4)	<b>probation</b> (2)
<b>never</b> (3)	<b>outlet</b> (1)	<b>perspective</b> (2)	<b>problem</b> (2)
<b>NEW</b> (36)	<b>outlets</b> (2)	<b>pertained</b> (1)	<b>proceed</b> (1)
<b>nodding</b> (1)	<b>outside</b> (2)	<b>pertaining</b> (9)	<b>proceeding</b> (1)
<b>Nope</b> (1)	<b>overall</b> (7)	<b>Peter</b> (2)	<b>process</b> (8)
<b>normal</b> (2)	<b>over-purchasing</b> (1)	<b>phone</b> (4)	<b>PROFESSIONAL</b> (3)
<b>Northeast</b> (2)	<b>oversaw</b> (5)	<b>physical</b> (1)	<b>profit</b> (1)
<b>NOTARY</b> (3)	<b>overseeing</b> (2)	<b>place</b> (2)	<b>Program</b> (2)
<b>note</b> (1)	<b>oversight</b> (1)	<b>places</b> (4)	<b>prompted</b> (1)
<b>noted</b> (2)	< P >	<b>PLAINTIFF</b> (6)	<b>proof</b> (4)
<b>notes</b> (4)	<b>p.m</b> (2)	<b>PLAINTIFF'S</b> (24)	<b>properly</b> (1)
<b>notice</b> (4)	<b>PAGE</b> (11)	<b>played</b> (1)	<b>propounded</b> (1)
<b>Notification</b> (1)	<b>pages</b> (3)	<b>PLAZA</b> (1)	<b>proprietary</b> (3)
<b>NOVEMBER</b> (2)	<b>paid</b> (10)	<b>please</b> (9)	<b>prosecute</b> (1)
		<b>pled</b> (1)	<b>prosecution</b> (1)
			<b>protect</b> (1)

protection (45)	reference (3)	resold (1)	schools (1)
protocol (1)	referred (3)	resolve (1)	screen (2)
prove (2)	referred-to (1)	resolving (1)	scroll (1)
provided (2)	referring (4)	resources (2)	scrolled (1)
PUBLIC (3)	refers (1)	respond (2)	second (7)
pull (9)	reflect (1)	response (2)	section (2)
pulled (7)	reflected (1)	responses (1)	see (50)
pulling (1)	refresh (2)	responsibilities (5)	seeing (1)
purchase (20)	refuse (4)	responsibility (4)	seeking (1)
purchased (9)	refused (5)	responsible (1)	seen (1)
purchases (56)	regard (1)	restate (1)	selected (1)
purchasing (5)	regarding (9)	restroom (1)	sell (1)
purposes (3)	regional (1)	RETAIL (6)	sellers (1)
put (8)	register (2)	return (4)	selling (9)
< Q >	REGISTERED (2)	review (7)	send (7)
qualified (1)	registers (1)	reviewed (3)	sender (2)
qualify (2)	regular (1)	reviewing (4)	sending (11)
question (13)	reimbursed (2)	revolving (1)	sends (2)
questions (18)	reimbursement (5)	revolving/flex (3)	sense (2)
quickly (1)	reinterview (1)	RICHARD (10)	sent (11)
quite (2)	reiterate (1)	right (49)	sentence (3)
< R >	Related (4)	ring (2)	separate (6)
raised (2)	relations (3)	ringing (11)	separately (1)
ran (2)	remember (15)	rings (1)	September (3)
random (1)	REMOTE (1)	Rivera (4)	serial (2)
Ray (1)	repeat (3)	Robert (2)	serious (1)
reached (1)	repercussions (1)	Roberts (1)	service (1)
read (10)	rephrase (2)	ROGERS (3)	services (1)
reading (3)	report (9)	Rose (13)	set (2)
realigned (1)	reported (3)	Rough (1)	severe (1)
really (2)	REPORTER (8)	rules (3)	sexual (1)
realm (1)	reporting (5)	run (2)	sgerber@bglaw.com
reason (3)	reports (4)	rung (2)	(1)
reasons (1)	representation (1)	running (3)	shaking (1)
recall (81)	representative (4)	RWDSU/UFCW (1)	Shanine (5)
recaps (1)	represented (1)	< S >	share (1)
receipt (2)	REPRESENTING (3)	sale (4)	shared (1)
receipts (8)	reproduction (1)	sales (14)	sharp (1)
receive (9)	requested (1)	Sarah (4)	Shaw (1)
received (3)	required (2)	satisfaction (1)	Sheet (5)
receives (1)	re-request (2)	saw (1)	ship (9)
Recess (3)	researched (1)	saying (18)	shipped (12)
recollection (5)	reseller (12)	says (34)	shipping (34)
record (2)	resellers (9)	scenario (1)	shoes (3)
recorded (1)	reseller's (1)	scheduled (1)	shop (3)
records (1)	reselling (17)	schedules (1)	shoplifters (2)
red (5)	resells (1)	scheduling (2)	shopped (1)
	reserve (1)	school (7)	shorthand (1)
	resignation (1)		shortly (1)



show (2)	STATES (6)	TABLE (1)	times (7)
showing (1)	stating (11)	take (16)	tip (2)
side (7)	stenographically (1)	TAKEN (15)	title (5)
sign (1)	step (1)	takes (1)	today (9)
significance (1)	stepped (2)	talk (2)	today's (5)
significant (1)	Steve (1)	talked (3)	told (8)
signing (1)	STEVEN (2)	talking (8)	tone (4)
similar (2)	stock (1)	talks (2)	tool (1)
similarly (1)	stolen (1)	target (1)	top (11)
situation (3)	stop (3)	targeting (1)	total (2)
situations (2)	STORE (48)	tax (40)	totaling (2)
SMITH (1)	stores (2)	taxes (8)	touch (2)
software (4)	STOREWORKERS	Teala (1)	trace (1)
Soho (15)	(2)	team (48)	track (4)
sold (4)	straight (1)	team's (1)	traffic (1)
somebody (4)	STREET (25)	tech (1)	training (6)
someplace (1)	Subject (3)	technical (1)	trainings (1)
sorry (19)	submit (1)	TECHNICIAN (1)	transaction (6)
sound (1)	subpoena (1)	Technology (2)	transactions (13)
SOUTHERN (1)	subsequently (1)	telephone (2)	transcribed (1)
space (1)	substance (1)	television (1)	transcript (4)
speak (6)	substandard (3)	tell (6)	transcription (1)
speaking (2)	suffer (1)	tells (1)	transition (1)
specific (21)	SUITE (2)	temporary (1)	transitioned (2)
specifically (22)	suited (1)	terminated (13)	TRIAL (1)
specifics (6)	Summary (7)	termination (11)	true (1)
spend (2)	Sunday (1)	terrible (1)	truth (2)
spending (1)	supervise (3)	testified (4)	truthfully (2)
spent (1)	supervision (2)	testify (1)	try (1)
spike (2)	supervisor (3)	testifying (1)	trying (7)
split (1)	supplied (1)	testimony (3)	Tuesday (1)
spoke (5)	supply (1)	Thank (7)	tune (1)
spoken (1)	support (3)	theft (5)	turn (2)
spouse (4)	supported (1)	thereof (1)	turned (1)
spouses (1)	supposed (1)	thing (8)	Two (18)
spreadsheet (1)	Sure (13)	things (10)	Tyler (12)
stakeholder (1)	surrounding (3)	think (33)	TYNDALL (1)
stamp (5)	suspend (4)	third (2)	type (5)
stamped (8)	suspended (6)	thirty (1)	types (1)
Standards (2)	suspending (1)	thought (3)	typical (1)
standing (1)	Suspension (6)	thousand (1)	typically (2)
start (7)	suspensions (1)	thousands (1)	
started (4)	suspicion (3)	threats (1)	< U >
starting (1)	sworn (5)	three (4)	Um-hum (10)
starts (1)	synonymous (4)	three-page (1)	unblock (1)
state (40)	system (6)	thrift (1)	unblocked (3)
stated (16)	systems (5)	tie-in (1)	uncovered (1)
Statement (29)		TIERNEY (108)	underneath (2)
statements (9)	< T >	time (52)	understand (9)

**understanding** (2)  
**Understood** (3)  
**unencrypting** (1)  
**uniform** (2)  
**UNION** (5)  
**UNITED** (3)  
**unmarried** (1)  
**unnecessarily** (1)  
**updated** (1)  
**upload** (1)  
**use** (17)  
**user** (2)  
**users** (1)  
**usually** (1)

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**various** (11)  
**verify** (6)  
**versus** (2)  
**vice** (1)  
**video** (6)  
**view** (2)  
**violating** (2)  
**violation** (4)  
**violations** (2)  
**volume** (1)  
**voluntary** (1)  
**VP** (1)  
**VS** (1)

< W >

**wait** (1)  
**waived** (1)  
**walked** (1)  
**want** (23)  
**wanted** (6)  
**wanting** (1)  
**wants** (1)  
**warranted** (1)  
**watch** (1)  
**way** (4)  
**ways** (3)  
**website** (3)  
**weekly** (2)  
**well** (15)  
**went** (2)  
**we're** (6)  
**WEST** (1)  
**We've** (2)

**WHOLESALE** (1)  
**willingly** (1)  
**withdrawn** (37)  
**witness** (77)  
**words** (2)  
**work** (15)  
**worked** (8)  
**working** (11)  
**Works** (1)  
**world** (1)  
**worth** (1)  
**write** (12)  
**write-off** (1)  
**writing** (2)  
**written** (3)  
**wrong** (2)  
**wrote** (1)

< Y >

**Yang** (3)  
**yeah** (9)  
**year** (12)  
**years** (11)  
**Yep** (1)  
**YORK** (33)  
**young** (3)  
**Younis** (2)  
**Yu** (18)

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**zoom** (1)